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Beyer, Charles A.

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The Government of  
Rockford *and*  
Winnebago County

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Box 21

Chas. A. Beyer  
William W. Wuesthoff

*The*  
Government of Rockford  
and  
Winnebago County

BY  
CHAS. A. BEYER  
AND  
WILLIAM W. WUESTHOFF

*Instructors in Civil Government*  
IN  
ROCKFORD HIGH SCHOOL

---

EDITED IN 1915

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ROCKFORD PRINTING COMPANY  
ROCKFORD, ILLINOIS

Each pupil should take the following pledge before entering upon these pages:—

*"I am a citizen of Rockford. I will do nothing to desecrate her soil, pollute her air, or degrade her children—my brothers and sisters. I will try to make her beautiful and her citizens healthy and happy, so that she may be a desired home for myself now, and for her children in days to come."*

## The Government of Rockford

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### PART I.

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#### CHAPTER I.

##### THE EARLY HISTORY OF ROCKFORD.

**Germanicus Kent and Thatcher Blake.**—The founder of our beautiful city was Germanicus Kent. Mr. Kent was born in Suffield, Connecticut, in the year 1790. As a boy he prepared himself for the business world and then became a merchant for some years in Virginia and later in Alabama. In the meantime his brother Reverend Aratus Kent was stationed at Galena, Illinois, as a missionary. Galena was then a popular mining town. Mr. Kent was anxious to better himself financially and so moved to this town. Here he met Thatcher Blake who had come to Galena for the same purpose. Mr. Kent and Mr. Blake became partners and made their way across Illinois in search of a place where they might build a home and make their fortunes. They thoroughly inspected the Pecatonica and Rock River valleys and finally located at the present site of Rockford.

**The Settlement.**—On Sunday, August 24, 1834, the pioneers arrived, there being two others in the party besides Mr. Kent and Mr. Blake. Mr. Kent paid the men who came with him to build a log cabin on the west bank of the river, near Kent's Creek. More workmen were secured from Galena and they built a dam in Kent's Creek and a saw mill, but this dam was swept away by high water. Another dam was built but also removed because it caused an overflow of too much land. Mr. Kent became a merchant supplying his neighbors with goods on credit. He invested his money in improvements and labor, and with the panic of 1837 he

found himself comparatively poor. He gave up his property to his creditors and returned to Virginia where he died in 1844. After the building of Mr. Kent's cabin a cabin was built on the claim of Mr. Blake, who tended to his farm until 1851. Then Mr. Blake moved to the city and engaged in the real estate business.

**Settlement of the East Side.**—The first settlement on the East Side was made by Daniel S. Haight in April 1835. He was from Bolton, New York, and arrived with several other men seeking a desirable place for a settlement. Mr. Haight's first house stood on the north-east corner of State and Madison streets. The population of Rockford in 1835 was 10 with about 33 arrivals during that year.

**Name.**—Mrs. Kent was the first to suggest a name, which was Midway—since the city was located midway between Chicago and Galena. The name might have been alright for that age, but would mean little today since Galena has lost its importance. In 1835 Mr. Kent, Mr. Haight, and others met in the office of Dr. Goodhue, Chicago, to discuss mill privileges at Rockford. It is said at this meeting Dr. Goodhue proposed the name Rockford because of the rock bottom ford in the river at this point. The men present unanimously adopted this name.

**Establishment of the City.**—By 1839 the number of people had increased and they felt that it would be to their advantage to make use of the general law of the State of 1831. This law provided for the incorporation of towns that had a population of not less than 150 white males over 21 years of age. Notices were posted calling for a meeting of the citizens and in the meeting it was resolved that the two villages of Rockford, the east and west sides of the river, be incorporated in one town. A committee was appointed to take the census and found the population to be 235. Another committee presented the document of incorporation and by a two-thirds vote of the meeting the incorporation was accomplished. Shortly thereafter an election was held when the people elected their president, clerk, attorney, collector, treasurer, and four assessors. This form of government continued until 1852.

In 1852 the people became aware that the charter under which they were originally incorporated, did not make provisions for the new problems of their rapidly growing vil-

lage. They needed better facilities for the carrying on of their corporate affairs. Hence the prominent men of the town signed a call for a meeting of the citizens to be held at the court house to discuss the problem of incorporating the village as a city. At this meeting it was resolved to submit the matter to a vote of the people. At the election the people voted in favor of organizing under the general law of 1849 and the city government of Springfield was taken as a model. This new charter of 1852 gave the people the necessary increased powers. It stated in full the things which the city could and could not do and outlined the powers and duties of all the departments. At the first election on April 19, 1852, Mr. Willard Wheeler was chosen mayor. There were four wards and one alderman elected from each. The council later passed an ordinance granting them the power to appoint annually the clerk, attorney, treasurer, marshal, assessor, collector, engineer and two street commissioners.

March 4, 1854 the State Legislature granted a special charter to Rockford, and the general law was declared to be no longer in force as far as Rockford was concerned. This charter was amended several times and Rockford continued under it until the city was reorganized under the general law. The granting of special charters to different cities became unsatisfactory and burdensome to the State. Hence it determined to cease granting charters and so enacted the general law of 1872 which repealed the general law of 1849, and abolished the system of special charters. Old cities could keep their charters or give them up and come under the new general law. In 1880 Rockford gave up her charter and hence is today operating under the general law.

## CHAPTER II.

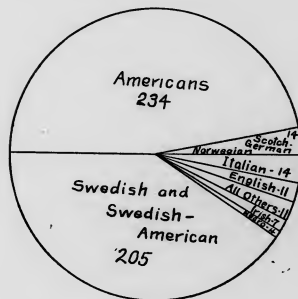
### ROCKFORD'S ADVANTAGES.

**Location.**—Rockford extends for miles along both sides of the Rock River. This river is one of the most beautiful to be found in the country. The situation is very attractive. The many natural trees and planted ones have won for the city the name of "Forest City." The town is for the most part high and well drained. The river with several creeks afford excellent drainage, making Rockford a very healthful place. The climate is moderate, free from severe cold in winter and extreme heat in summer. One could hardly find a more attractive city.

**Homes and Living.**—The houses of the most of the more prosperous are on the west side of the river and the north end. A few of the older homes are scattered about in more central parts of the city. Rockford has no palaces, but the city is dotted with many beautiful homes with well kept surroundings. This is not only true of the rich, middle class, but also of the workingman. The people have been very ambitious and always aspired to own their own homes. The workingman has been helped by building associations, with the result that the greater share are property owners. Their interest has continued and the homes and surroundings are as attractive as their means would allow. Rockford can truly be called a city of homes. The man that does not own property can rent at a fairly reasonable rate. The trolley system, in spite of some delay and congestion at the city's center, is so efficient that a workingman is comfortably carried to his factory for five cents and in from ten to thirty minutes. This workman has a good living and the banks show that he is saving money and fairly prosperous. Food prices are up to the average of other cities. Clothing, household goods, and general merchandise are sold on a narrow margin because of the progressive stores in the city.

**People.**—No city can boast of a finer class of people. A large proportion of the original settlers came from New England with a result that the church and the school were well emphasized. A visitor in our midst would almost imagine himself in New England. But a sturdy element must not go unmentioned. The Swedes form over two-fifths of

the population. They are a sober, industrious, thrifty and law abiding people. They readily become Americans and are very desirable citizens. As a rule they own their own homes and many are stockholders of the various factories located in the city. There are other nationalities who play their part in the city's affairs.



Showing the elements of Rockford's population. The figures are in hundreds. More than two-fifths are Swedish. Almost three-fifths of the people are foreigners. More than five-eighths of these are Swedish.

**Manufacturing.**—Factories and workshops have also found proper sites, the majority being in the south central part of the city, while the others are scattered about. At first the mills and factories sought locations around the splendid water power afforded by the Rock River. The available space soon became occupied, but this could not stop the progress. Because of cheap fuel and low freight the use of steam was possible. In late years Rockford has been known as the second furniture manufacturing city in the United States with some thirty factories. Three hundred and eighty-four other articles are manufactured in this city, namely, pianos, silver plated ware, pumps, sewing machines, agricultural implements, watches, shoes, clothing, gloves, knitted goods, and scores of other goods. Some of these factories employ as many as 350 hands. A total of 13,000 workmen have earnings amounting to \$5,000,000 per annum. The total value of goods produced amounts to \$36,000,000, and the total capital invested to \$25,000,000.



The city is growing and new industries are springing up regularly.

Rockford is the greatest industrial city in the state with the exception of Chicago. The 456 manufacturing concerns are possible because of the many natural advantages, which can be grouped as follows:

1. **Ideal Labor Conditions.**—The standard of the employees is high and satisfactory wages are paid. The industries are diversified that almost any mechanic can find employment. Troubles are unknown among the 20,000 employees and their employers. The majority of men own their own homes, are happy and a contented lot.

2. **Cheap Power.**—The manufacturers enjoy the cheapest power in the whole central west. Rates are the same as those of the Niagara Falls region.

3. **Lowest Tax Rate in the State.**—This item always interests all progressive business men.

4. **Remarkable Shipping Facilities.**—Five great railroads and a net work of interurban lines give the city wonderful facilities for disposing of their goods and receiving freight. These railroads have an aggregate length of 25,000 miles of track and give direct connections with the south and all parts of the west and northwest. All the lines lead to Chicago thus giving Rockford easy and quick connection with all the roads to the east. The different lines are as follows:

**Illinois Central.**—It is the main line from Chicago to Sioux City. This line gives Rockford direct connection with central Illinois and the south as far as New Orleans.

**Chicago and Northwestern.**—This railroad has over 7,000 miles of track reaching nearly all the leading cities in northern Illinois, Wisconsin, Minnesota, South Dakota, Iowa and Nebraska. It gives excellent service and opens this immense market for Rockford's wares.

**Chicago, Milwaukee, and St. Paul.**—This connects with the great northwest and brings lumber to the city for the numerous factories. It also gives easy connection with its lines in all directions.

**Chicago, Burlington & Quincy.**—This road's Chicago and Iowa branch gives direct connection east and west.

Through this line, Iowa, Nebraska, Kansas, and Colorado are placed within reach of the factories of Rockford.

**Milwaukee & Gary.**—The road acts as a belt circumventing the city of Chicago.

All these roads maintain belt lines around the industrial district with a network of switching tracks. Switches have been built to the different factories which are thereby able to ship their output without any expense for drayage.

**Rockford Interurban Railway Company.**—There is no better interurban line in any other city of the size of Rockford. Its a very extensive system radiating from Rockford and makes the city the great retail center of Illinois. Rockford is made the trading center of the greater part of the Rock River valley by this interurban railway; and the city is well prepared, progressive, and alert enough to take care of its trade.

5. **Accessibility to Markets.**—Rockford's large number of manufacturing concerns could not exist unless they were able to make, ship and sell their wares at a profit. There must be a market and the freight rates such that the manufacturer can profitably send the goods to the market. There is no danger of over supply in Rockford. Shipments are made for the west and the southwest by way of Kansas City; to the west and northwest by way of St. Paul and Omaha; to the south and east by way of Chicago. The freight is carried to the belt lines surrounding Chicago, and then sent over the great trunk lines without any delay in transit.

Some may fear that Chicago may have bad effects upon Rockford since Chicago has low lake freight rates and eastern railway outlet. But there is little danger. Chicago is so large that there must always be extra expense involved to cover the expense of switching, drayage, higher wages because of increased cost of living, price of land, taxes and other things. Nothing can prevent the growth of Rockford.

**Religious Advantages.**—The number and variety of churches in Rockford is one of the distinguishing characteristics. The church has always been uppermost in the hearts of the people, and they have a great respect for religious work. Rockford may be called a "Moral City," the church extending its influence, being a considerable factor in securing good government for the city.

**Progressive City.**—The future of Rockford may be judged by the past. In the past the city has surprised her people and so the future must have great things in store. Rockford has a good start, the city going forward with accelerated speed. Her people are saving money, and enterprises are growing. New institutions are constantly starting up which means new labor, more families, more houses, more business and everything else which goes with growth. Rockford of tomorrow will be bigger, better, and brighter than ever.

### CHAPTER III.

#### THE BASIS AND NATURE OF GOVERNMENT.

**Basis of Government.**—From the very earliest times men have been impelled by common interests and common desires to organize themselves into communities and to establish over themselves governments. Before the dawn of history the organization of the family had been completed. Individuals related to one another by ties of blood, united for the purpose of defending their persons and their property from enemies. In a little later stage, families that had descended from the same ancestor and worshiped the same Gods, formed a larger group—the clan. In the course of time, several clans united into a tribe. The last stage in the development of government was reached when several tribes with common ancestry, a common language, and a common religion, cooperated in creating the nation and set over them as their ruler, the King, whom they considered as a priest and father of the people.

By such cooperation the people were able to accomplish results which they could not have secured as individuals. Their united effort secured a larger measure of protection. Fire, disease, and crime had ever been enemies of mankind that threatened to destroy both man and his works. To check these forces, to protect themselves against their destructive influences, demanded consistent effort of all people acting together in the interests of their happiness and their progress.

Moreover, men early felt the need, of a larger mental and spiritual life than each could secure by means of his own efforts. Out of this need grew places of worship, libraries, museums, theaters and schools. These were made possible only because individuals had grouped themselves by com-

mon ties of family relations, by worship of common deity, or by common aspirations to master the physical world about them.

**The Government and the Citizen.**—Our forefathers who won their independence looked upon government as a necessary evil. They emphasized the dangers of government and minimized its benefits. But many of the prejudices of that day have been removed by a century and a third of self-government and we sometimes go to the opposite extreme. Today the benefits and advantages are extolled because it is a government for and by the people. We often fail to appreciate the real needs of our government and the support we should give it. We fail to discriminate between government work that is wise and that which is unwise, between governmental tasks which are well performed and those ill performed, or neglected. Instead of protesting against extravagances or paying taxes for necessary improvements, we grumble at the financial burdens placed upon us by our government, or on the other hand, indifferently submit to the waste and bad government. When popular interest is lacking and public offices become filled with selfish and corrupted men who use their power for their own advancement or sacrifice public good for favored interests, we close our eyes to the fact and staunchly assert that our government is the best in the world. If the benefits which we should derive from the government are often lost and the disadvantages alone are apparent it is because we fail to draw the line between the work which our government can perform and the work it cannot do because we neglect political duties for those of business or society or because we consider misgovernment the normal thing or unavoidable.

**Obligation of the Individual.**—The individual who wishes to secure and enjoy the best benefits under the government must take the proper attitude towards the government. In the first place he should do all in his power to support the government and do it willingly. There are two ways to support the government: One is with money or by regularly and unhesitatingly pay taxes. No government can expect to do justice to its people without having sufficient funds. The American people live well and expect the government to do many things for them all of which must be paid with taxes. Another way to support the government is by taking an active part in it. The government needs all good men who are willing to offer their services.

To accept a position, when there is no or slight remuneration connected with it, shows public spirit. If our best people would sacrifice some of their time for service we would all enjoy a better and more ideal form of government. The second obligation is to obey the "rules of the game" or consider yourself the member of a large corporation, with definite set rules, which must be obeyed in order that the corporation may prosper and do justice to its members. The third obligation is to interest ourselves in getting others to obey these rules. Let each one encourage another to take the correct attitude towards government and the government will soon feel the influence.

**Functions of Government.**—There are three large groups of functions of government.

- I. To secure justice to the members of the state by securing the "natural rights." These "natural rights" are:
  1. The right to personal security of life and limb, health and reputation.
  2. The right of personal liberty to come and go, to speak and write, to assemble peaceably and be free from unreasonable search.
  3. The right of private property; to acquire, use, and dispose of property, including time and labor.
  4. The right of freedom of thought and religious worship.
  5. Fixing the legal relations between man and wife and children and parents.
  6. Determination of contract rights between individuals. But there are certain limitations upon these "natural rights," as by the rights of one's neighbors which must be respected, and by the needs of the State. The State must have the right of taxation and of Eminent Domain.
- II. A. To promote the general welfare:
  1. By measures of public utility—the building of roads and bridges, public buildings, systems of water supply and sewage, etc.

2. Coinage.

3. Postal service.

B. By promoting industries—as agriculture, commerce and manufacture.

C. By furnishing education.

D. By care of the unfortunate and the irresponsible.

III. To defend the State—as from domestic enemies, and from foreign enemies.

**Proper Scope of Government.**—The extent to which the people shall permit its government to undertake any or all of the above named functions depends upon its history, its needs and the wishes of its people.

Life needed little supervision in colonial days, but today the large cities and the great trusts and railways of continental magnitude, and the entirely different standards of living have changed conditions. At the present our government must control and regulate more actions of its citizens than formerly; not only to promote their welfare but to give them protection. Examples of the latter are the laws on health and food inspection. The important thing being to regulate just enough, neither too much nor too little. Too little regulation as well as too much is a sign of poor government. The ideal is just enough, and this varies from time to time under changing conditions and should seldom if ever be applied arbitrarily.

**The Need of National, State, and Local Government.**—

No one government can do all the things needed by a people. The making of treaties must be entrusted to the whole United States. The making of roads and the care of schools can only be properly handled by local governments, such as small districts like towns, cities and counties. Then the state governments look after purely local matters and their laws should not vary from county to county, or to city to city, and yet need not be the same throughout the whole United States. The state government also forms a convenient area for handling those large problems which fall short of the national government. The national government represents us in our dealings with foreign countries, cares for our trade relations between states, coins money and makes laws which should be the same in Maine as in Texas.

**Departments of Government.—Why Three?**—In order that any government may properly perform its work it must

have three departments. The city of Rockford has these three distinct departments.

1. The legislature, which makes the laws. In our city the Council makes the laws called ordinances.

2. The executive, who enforces the laws. The mayor is at the head of this department.

3. The judiciary, which interprets the law and imposes punishment on violators and gives justice to the injured. The police magistrate rules over this department.

The Articles of Confederation proved faulty because they did not provide for the three departments. In our government of today each department has a special duty outlined so that each is entirely independent of the other department. Still the plan is so arranged that one department acts as a check upon the other. The mayor appoints men to office, but with the advice and consent of the council. The latter is a check upon the mayor by the council. There are many other checks like these. The distinct separation of the three departments with the checks upon each other are the distinguishing characteristics of the American government.

#### CHAPTER IV.

##### CITY COUNCIL.

**History of the City Council**—There was a time in American municipal history when the council was the chief and in fact the only governing organ of the city. It has long since ceased to be the sole organ of civic administration and in some places it is no longer the dominant one.

American municipal government is a development from the first English cities. The old English boroughs elected a council made up of aldermen and councilmen sitting together. The number of aldermen were usually 6 or 8 and councilmen 6 to 24. They had the power to frame local ordinances, voted and spent the borough's money and attended to the administrative tasks as well.

**City Council After the Revolution**—Great changes took place after the revolution in both organization and functions of municipal councils. The practice of dividing aldermen into two bodies with distinct powers was adopted in some cities and soon the bicameral council became a general feature of the American municipal system.

By 1850 the city council had reached a stage of development in the American municipal system, quite as dominant as that occupied by the borough council in the English system.

**City Council Since 1850**—Then came a reaction. The rapid growth of cities due to the heavy immigration of the later forties put a new strain upon the machinery of the city government. The committees now had more work to do and they were not so competent to do it as they had been; hence it was done poorly and the citizens complained.

As the important departments of the city administration became demoralized through the inefficiency or the partisanship of the committees that had them in charge, appeals were made to the state authorities for intervention.

**States Interference**—The states responded but their responses took different forms. In some cases the city charters were amended by taking the administration of various municipal departments away from the council committees and giving it to newly established officials or boards. In other cities the administrative functions of the mayor were expanded at the expense of the council, still other departments were removed from municipal control altogether and vested in hands appointed by the state. The dissatisfaction with the conduct of municipal affairs however wreaked its vengeance on the council, until, as a result of persistent shearings, its powers are in general scarcely a tithe of what they were half a century ago.

**Present Organization of City Council**—It is difficult to describe the present day organization and powers of the city council in American cities, for the reason that these features are hardly alike in any two of them.

Some cities have a council of two branches, others have a single chamber. About one-third of the cities in the United States of over 25,000 population have the two chamber system. Of the largest cities in the country New York, Chicago, Boston, Cleveland and San Francisco have a single chamber, while Philadelphia, St. Louis, Baltimore, Pittsburgh and Buffalo have the bicameral system.

Each system has merits claimed for itself but the single chamber organization seems to be the most popular type. The councilmen are sometimes elected from the city at large, but more often the city is divided into wards and from one to three aldermen elected from each ward.

#### THE CITY COUNCIL OF ROCKFORD.

**How Composed**—Since the city of Rockford is governed by the "Cities and Villages" Act, passed in 1872, its legis-

lative body, the council, comes under the direct control of the state legislature. The City of Rockford is divided into five wards, from each of which 3 aldermen are elected, making a total of 15. These 15 aldermen with the mayor who presides make the laws for the city.

**Qualifications of Aldermen**—No person shall be eligible to the office of alderman unless he be a qualified elector, and reside within the ward from which he is elected; nor shall he be eligible if he owes a debt to the city in the form of a tax or other liability; nor shall he be directly or indirectly interested in any contract whatever to which the city is a party. No person shall be eligible to the office if he has ever committed a crime against the city such as bribery or other corrupt practices; nor shall he be permitted to hold any other city office at the same time that he serves as alderman.

**Term of Office**—Aldermen shall hold their office for the term of two years, and until their successors are elected and qualified.

**Vacancy**—If any vacancy shall occur in the office of alderman by death, resignation, removal or otherwise, such vacancy shall be filled by election.

**Election**—(a). **Who Is Entitled to Vote**—Aldermen are elected by the qualified voters residing within the ward; that is, by all male and female citizens over 21 years of age, who have lived within the state at least one year, in the county 90 days, the ward and precinct 30 days previous to election.

(b) **Time and Place**—Elections are held on the third Tuesday of April and for this purpose the state law requires that polls be placed in each of the 43 precincts in the city. These polls on election day are open from six A. M. until four P. M. in order to give each individual ample time to do his voting.

To superintend these elections the County Judge has the power to appoint an election board consisting of three commissioners, one appointed each year, who hold their office for a term of three years and receive a salary of \$1,000 per year. This commission hires a clerk who in practice does most of the work. It is their duty to appoint in each voting precinct three judges and two clerks whose duty it is to see that all voters are qualified and registered properly.

They must see that all voters have personally registered

twenty-one days before election day and then make a house to house canvass to ascertain if the place of residence given by the voter is correct.

On election day they have charge of giving out, receiving and counting of the ballots.

**Method of Electing Aldermen**—The aldermen of Rockford are elected under the minority plan or the so-called accumulative method.\* Each qualified voter has the privilege of casting as many votes as there are aldermen to be elected in his ward or for three in Rockford, and he may distribute these as he sees fit. He may cast one vote for each of these separate candidates: Mr. Smith, Mr. White and Mr. Greene, or he may give Mr. Smith two votes and Mr. White one, or Mr. White and Mr. Green each one and one-half or he may plump all three for Mr. Smith.

This practice of placing your three votes on the candidates in any manner that you desire is called the minority system of representation. Its chief advantage is to give the minority party an opportunity to get at least one candidate elected from the ward. The three candidates who receive the largest number of votes are elected aldermen from the ward.

**Special Elections**—If at any time there is a failure to elect an alderman required to be elected, or the person elected should fail to qualify the election commission would be requested to call a special election to fill the vacancy. This, however, is only done when absolutely necessary on account of the expense of conducting an election of this kind.

**Meetings**—The city council may prescribe, by ordinance, the times and places of the meeting thereof, and the manner in which special meetings may be called.

(a) **Time and Place**—The council meets weekly on Monday evenings at 7:30 P. M. All meetings are held on the third floor of the City Hall. It sits at all times with open doors. Special meetings may be called by the mayor or upon written request filed with the city clerk, by at least three aldermen.

(b) **Method of Procedure**—A majority of the aldermen elect shall constitute a quorum to do business but a smaller number may adjourn from time to time and may compel

\*This method of electing aldermen has been changed at the recent election of June 5th, 1915, to go into effect at the spring election of 1917.

the attendance of absentees under penalty of a \$10.00 fine or expulsion. At all meetings the mayor presides and in case of his absence a chairman pro-tem is elected by the aldermen, to take his place.

On all questions where the expenditure of an amount of money is required or where a liability against the city is created, the voting must be done by acclamation or calling for yeas and nays. On other questions the voting is done collectively. A majority vote of those present is required to pass measures. In case of a tie the Mayor votes.

A journal of its proceedings is kept by the clerk, which is read at the opening of the next meeting.

**Committee Government**—For the purpose of close investigation and due deliberation upon all proposed measures the council is divided into fifteen standing committees. Each alderman is the chairman of one committee and a member of four others. The names of the standing committees at present are the following:

Finance, Claims, Waterworks, Judiciary, Streets and Alleys, Railroads, Sidewalks, License, Police, Firemen, Sewers, Public Buildings, Lights, Purchasing and Health.

**Salary**—Each alderman is paid three dollars from the city treasury for every meeting of the council which he attends.

**Powers. (a) Over Its Members**—The council shall determine its own rules of procedure. It may punish its members for disorderly conduct and with the concurrence of two-thirds of its aldermen-elect, may expel a member. An alderman convicted of bribery shall be removed from office. The city council shall be judge of the election and qualification of its members.

**(b) Over Appointments**—All appointments made to office by the mayor must be confirmed by at least a majority vote of the council. Should they refuse to confirm an appointment the mayor must keep on appointing until he obtains one to whom the council will agree.

**(c) Passing Ordinances**—Ordinances are laws which govern the city. They must receive a majority vote of the council and then be approved and signed by the mayor. Should the mayor disapprove of a proposed measure he may veto it. In this event the measure may still become a law if passed by a two-thirds vote of the council. This is

called over-riding his veto or passing the measure over his head.

The Powers of the council in passing ordinances are the following:

**First**—To control the finances and property of the corporation.

**Second**—To appropriate money for corporate purposes only, and provide for payment of debts and expenses of the corporation.

**Third**—to levy and collect taxes for general and special purposes on real and personal property.

**Fourth**—To fix the amount, terms and manner of issuing and revoking licenses.

**Fifth**—To borrow money on the credit of the corporation for corporate purposes.

**Sixth**—To issue bonds in place of or to supply means to meet maturing bonds, or for the consolidation or funding of the same.

**Seventh**—To lay out, to establish, open, alter, widen, extend, grade, pave or otherwise improve streets, alleys, avenues, sidewalks, wharves, parks and public grounds, and vacate the same.

**Eighth**—To regulate the use of sidewalks and all structures thereunder; and to require the owner or occupants of any premises to keep the sidewalks in front of or along the same, free from snow and other obstructions.

**Ninth**—To regulate or prevent the throwing or depositing of ashes, offal, dirt, garbage or any offensive matter in and to prevent injury to any street, avenue, alley or public ground.

**Tenth**—To provide for and regulate crosswalks, curbs and gutters.

**Eleventh**—To regulate and prevent the use of streets, sidewalks and public grounds for signs, sign posts, awnings, awning posts, telegraph poles, horse troughs, racks, posting hand bills and advertisements.

**Twelfth**—To regulate and prohibit the exhibition or carrying of banners, placards, advertisements or hand bills in the streets or public grounds, or upon the sidewalks.

**Thirteenth**—To regulate and prevent the flying of flags, banners or signs across the streets or from houses.

**Fourteenth**—To regulate traffic and sales upon the streets, sidewalks and public places.

**Fifteenth**—To regulate the speed of horses and other

animals, vehicles, cars and locomotives within the limits of the corporation.

Sixteenth—To regulate the numbering of houses and lots.

Seventeenth—To name and change the name of any street, avenue, alley or other public place.

Eighteenth—To provide for and change the location, grade and crossing of any railroad.

Nineteenth—To require railroad companies to fence their respective railroads, or any portion of the same, and to construct cattle guards, crossings of streets and public roads, and keep the same in repair, within the limits of the corporation. In case any railroad company shall fail to comply with any such ordinance, it shall be liable for all damages the owner of any cattle or horses or other domestic animal may sustain by reason of injuries thereto while on the track of such railroad, in like manner and extent as under the general laws of this state, relative to the fencing of railroads; and actions to recover such damages may be instituted before any justice of the peace or other court of competent jurisdiction.

Twentieth—To require railroad companies to keep flagmen at railroad crossings of streets, and provide protection against injury to persons and property in the use of such railroads.

Twenty-first—To construct and keep in repair bridges, viaducts and tunnels, and to regulate the use thereof.

Twenty-second—To construct and keep in repair culverts, drains, sewers and cesspools and to regulate the use thereof.

Twenty-third—To provide for the cleansing and purification of waters, water courses and canals, and the draining or filling of ponds on private property, whenever neccesary to prevent or abate nuisances.

Twenty-fourth—To license, tax, regulate, suppress and prohibit hawkers, peddlers, pawnbrokers, keepers of ordinaries, theatricals and other exhibitions, shows and amusements, and to revoke such license at pleasure.

Twenty-fifth—To license, tax and regulate hackmen, draymen, omnibus drivers, carters, cabmen, porters, expressmen, and all others pursuing like occupations, and to prescribe their compensation.

Twenty-sixth—To license, regulate, tax and restrain runners for stages, cars, public houses, or other things or persons.

Twenty-seventh—To license, regulate, tax or prohibit and suppress billiards, bagatelle, pigeon-hole or any other tables or implements kept or used for a similar purpose in any place of public resort, pin alleys and ball alleys.

Twenty-eighth—To suppress bawdy or disorderly houses, houses of ill-fame or assignment, within the limits of the city, and within three miles of the outer boundaries of the city, and also to suppress gaming and gambling houses, lotteries and all fraudulent devices and practices, for the purpose of gaining or obtaining money or property; and to prohibit the sale or exhibition of obscene or immoral publications, prints, pictures or illustrations.

Twenty-ninth—To license, regulate and prohibit the selling or giving away of any intoxicating malt, vinous, mixed or fermented liquor, the license not to extend beyond the municipal year in which it shall be granted, and to determine the amount to be paid for such license.

Thirtieth—And the city council in cities, and president and board of trustees in villages, shall also have the power to forbid and punish the selling or giving away of any intoxicating malt, vinous, mixed or fermented liquor to any minor, apprentice or servant, or insane, idiotic or distracted person, habitual drunkard, or person intoxicated.

Thirty-first—To establish markets and market houses and provide for the regulation and use thereof.

Thirty-second—To regulate the sale of meats, poultry, fish, butter, cheese, lard, vegetables and all other provisions and to provide for place and manner of selling same.

Thirty-third—To regulate the sale of bread in the city or villages; prescribe the weight and quality of the bread in the loaf.

Thirty-fourth—To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, cotton, tobacco, flour, meal and other provisions.

Thirty-fifth—To regulate the inspection, weighing and measuring of brick, lumber, firewood, coal, hay and any article of merchandise.

Thirty-sixth—To provide for the inspection and sealing of weights and measures.

Thirty-seventh—To enforce the keeping and use of proper weights and measures by vendors.

Thirty-eighth—To regulate the construction, repairs and use of vaults, cisterns, areas, hydrants, pumps, sewers and gutters.

Thirty-ninth—To regulate places of amusement.

Fortieth—To prevent intoxication, fighting, quarreling, dog fights, cock fights, and all disorderly conduct.

Forty-first—To regulate partition fences and party walls.

Forty-second—To prescribe the thickness, strength and manner of constructing stone, brick and other buildings, and construction of fire escapes therein.

Forty-third—The city council and the president and trustees in villages, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings shall not be erected or placed, or repaired, without permission, and to direct that all and any buildings, within the fire limits, when the same shall have been damaged by fire, decay or otherwise, to the extent of 50 per cent. of the value, shall be torn down or removed, and to prescribe the manner of ascertaining such damage.

Forty-fourth—To prevent dangerous construction and condition of chimneys, fireplaces, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in and about any building and manufactory, and to cause the same to be removed or placed in a safe condition, when considered dangerous; to regulate and prevent the carrying on of manufactories dangerous in causing and promoting fires; to prevent the deposit of ashes in unsafe places, and to cause all such buildings and enclosures as may be in a dangerous state to be put in a safe condition.

Forty-fifth—To erect engine houses, and provide fire engines, hose carts, hooks and ladders, and other implements for the prevention and extinguishment of fires, and provide for the use and management of the same by voluntary fire companies or otherwise.

Forty-sixth—To regulate and prevent storage of gun-powder, tar, pitch, resin, coal, oil, benzine, turpentine, hemp, cotton, nitro-glycerine, petroleum, or any of the products thereof, and other combustible or explosive material, and the use of lights in stables, shops and other places, and the building of bonfires; also to regulate and restrain the use of fireworks, firecrackers, torpedoes, Roman candles, sky-rockets and other pyrotechnic displays.

Forty-seventh—To regulate the police of the city or village, and pass and enforce all necessary police ordinances.

Forty-eighth—To provide for the inspection of steam boilers.

Forty-ninth—To prescribe the duties and powers of a superintendent of police, policemen and watchmen.

Fiftieth—To establish and erect calabooes, bridewells, houses of correction and workhouses for the reformation and confinement of vagrants, idle and disorderly persons, and persons convicted of violating any city or village ordinance, and make rules and regulations for the government of the same, and appoint necessary keepers and assistants.

Fifty-first—To use the county jail for the confinement or punishment of offenders, subject to such conditions as are imposed by law, and with the consent of the county board.

Fifty-second—To prohibit and punish cruelty to animals.

Fifty-third—To restrain and punish vagrants, mendicants and prostitutes.

Fifty-fourth—To declare what shall be a nuisance and to abate the same; and to impose fines upon parties who may create, continue or suffer nuisances to exist.

Fifty-fifth—To appoint a board of health, and prescribe its powers and duties.

Fifty-sixth—To do all acts, make all regulations, which may be necessary or expedient for the promotion of health or the suppression of disease.

Fifty-seventh—To establish and regulate cemeteries within or without the corporation, and acquire lands therefor, by purchase or otherwise, and cause cemeteries to be removed and prohibit their establishment within one mile of the corporation.

Fifty-eighth—To regulate, restrain and prohibit the running at large of horses, cattle, swine, sheep, goats, geese and dogs, and to impose a tax on dogs.

Fifty-ninth—To direct the location and regulate the management and construction of packing houses, renderies, tallow chandleries, bone factories, soap factories and tanneries within the limits of the city or village, and within the distance of one mile without the city or village limits.

Sixtieth—To direct the location and regulate the use and construction of breweries, distilleries, livery stables, blacksmith shops and foundries within the limits of the city or village.

Sixty-first—To prohibit any offensive or unwholesome business or establishment within or within one mile of the limits of the corporation.

Sixty-second—To compel the owner of any grocery, cellar, soap or tallow chandlery, tannery, stable, pig-sty, privy,



sewer or other unwholesome or nauseous house or place, to cleanse, abate or remove the same, and to regulate the location thereof.

Sixty-third—The city council or trustees of a village shall have power to provide for the taking of the city or village census; but no city or village census shall be taken by authority of the council or trustees oftener than once in three years.

Sixty-fourth—To provide for the erection and care of all public buildings necessary for the use of the city or village.

Sixty-fifth—To establish ferries, toll bridges and license and regulate the same, and from time to time fix tolls thereon.

Sixty-sixth—To authorize the construction of mills, mill races and feeders on, through or across the streets of the city or village, at such places and under such restrictions as they shall deem proper.

Sixty-seventh—To tax, license and regulate auctioneers, distillers, brewers, lumber yards, livery stables, public scales, money changers and brokers.

Sixty-eighth—To regulate and prohibit the keeping of any lumber yard, and the placing or piling or selling any lumber, timber, wood or other combustible material, within the fire limits of the city.

Sixty-ninth—To provide by ordinance that all the paper, printing, stationery, blanks, fuel and all the supplies needed for the use of the city, shall be furnished by contract let to the lowest bidder.

Seventieth—To tax, license and regulate second-hand and junk stores, and to forbid their purchasing or receiving from minors, without the written consent of their parents or guardians, any article whatsoever.

Seventy-first—To pass all ordinances, rules and make all regulations, proper and necessary, to carry into effect the powers granted to cities or villages, with such fines or penalties as the city council or board of trustees shall deem proper. Provided, no fine or penalty shall exceed \$200.00 and no imprisonment shall exceed six months for one offense.

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#### Questions.

1. What is the area of the city? Into how many wards is it divided? In which one do you live? Name the aldermen from your ward.

2. Draw an outline map of the city, marking the boundaries of the wards, and show the election precincts of the wards.

3. Does your council consist of one chamber or two? Advantages and disadvantages of each plan?

4. Of how many members does your council consist? How does it compare in size with other city councils in the state? Give the qualifications, terms of office and salary of members.

5. Are the members of the council nominated by party conventions, direct primaries, or by petition (nomination paper)? Which method do you consider preferable?

6. How many committees in your council? How chosen? Name the important ones.

7. State the advantages and defects of the committee system of legislation.

8. What is a city ordinance? Where does the council derive its power to pass ordinances? With what higher laws must a municipal ordinance conform?

9. Describe the procedure, step by step, by which an ordinance is passed. What vote is necessary to pass an ordinance over the mayor's veto?

10. Under what condition may your council grant a franchise?

11. When does your council meet? Where? Visit a city council and write an account of it. Organize into a council.

12. How are the water, lighting and street car plants managed? Would you change the system? Do you favor the extension of the city's functions in other directions?

13. What is meant by Home Rule for Cities? Would you advocate it for your city?

14. Name a few of the influences that make for bad city government. Can any of these be overcome?

15. What agencies are now at work in your city for the improvement of its government?

16. A citizen of a city once said: "I always vote at state and national elections, but I never vote at municipal elections." In what particular was this citizen neglecting his personal interest? What special qualities of citizenship are necessary in a city?

17. Are there any important leagues or civic organizations working in your city? What are their methods and what are some of the specific services they have rendered?

18. Compare the following types of municipal government: Council plan, Commission plan and Manager plan. Do you think either of the two latter could make our city more efficient?

## CHAPTER V.

### THE MAYOR.

With hardly an exception the mayor is elected in American cities. It is the most important office in the city, and the mayor's position is determined by the length

of his term and his relation with other officers in the city. As chief executive he is directly responsible for the success of the city.

**Qualifications**—The mayor of Rockford must be a citizen of the United States; a qualified voter, and reside within the city limits.

As a general rule for cities in the United States any qualified voter of the city is eligible. Some cities require at least five years' residence in the city; others prescribe a minimum age limit; and a few have property qualifications. It seems strange, but no city requires that a mayor shall have had a previous experience. Perhaps the people that have had previous political experience might prove a handicap. The German Burgermeister does not necessarily have to be a resident of the city in which he holds office. He is an expert in municipal administration and looks upon his office as a profession.

**Election and Term**—The mayor is elected by the people of Rockford on the third Tuesday in April. He holds his office for two years and until his successor is elected and qualified. Election is by secret ballot and a plurality elects. In nearly all American cities the mayor is elected by direct popular vote. The only exceptions to this rule are the cities under the Commission Form and the City Manager Plan.

The term of mayor differs greatly in the different cities of the United States, varying from one to four years and averaging two years. Many of the New England cities have the annual term, most cities have the two year term, a few have the three years, and a dozen cities have the four year term. The tendency in recent years is to make the term longer. The two year term is too short. Under the latter the mayor during the first year learns the duties of the office, and during the second he prepares for his reelection. In most cities the mayor is re-elected, especially in those cities having the one or two year term. The voters re-elect the man, not because he has made a good record, but because he has not had a chance to do anything. A four year term gives the people the opportunity to get a good estimate of the ability of the mayor. The recall system gives the people confidence in the four year term. In a few states the term of the mayor may be shortened by removal for cause by the governor of the state.

The English mayor has a one year term with re-eligibil-

ity. The French Maire has a four year term and he is chosen by the council from the ranks of its own members. He is assisted by one or more adjoints or assistant mayors. The German Burgermeister is chosen by the municipal council and usually from outside its own membership. His term is rarely less than twelve years and often for life.

**Vacancies**—Whenever a vacancy happens in the office of the mayor and the unexpired term is a year or more, the vacancy must be filled by an election. If the office becomes vacant for less than a year the council elects one of its members to act as mayor. This person possesses all the rights and powers of the mayor until the next annual election and until his successor is elected and qualified.

During a temporary absence or disability of the mayor the council elects one of its members to act as mayor pro tem, and he possesses all the powers of the mayor during such absence or disability.

If the mayor at any time during the term of his office removes from the limits of the city, the office becomes vacant.

In case the mayor at any time shall be guilty of not performing his duty, or corruptly performing his duties, he is liable to indictment in court. On conviction he may be fined a sum not exceeding \$1,000, and the court can enter an order removing him from office.

**Salary**—The mayor receives a \$2,000 salary per year, established by ordinance. Besides this he receives \$250 annually as member of the Board of Local Improvements.

All cities, but the very smallest, pay salaries to their mayors. The amount varies from \$15,000 in New York, to \$1,000 or even less in small cities. The mayor's expenses in gaining the office are usually large. He must contribute a good share to the support of his party organization for the general expenses connected with his nomination and election. It must be remembered though, that the office of mayor is a stepping stone to higher positions in the state or national government.

The English and French mayor receive no salaries. But the councils vote sufficient sums to cover their public expenses connected with their office. The Burgermeister is well paid, receiving an expert's salary.

**Powers**—The powers and duties of the mayor may be roughly grouped into four classes: (A) Legislative Pow-

ers; (B) Executive Powers; (C) Military Powers; (D) Power to Grant Pardons.

(A). **Legislative Powers**—1. Power to call extra sessions. Everywhere he is empowered to call the council together for extra sessions. Mayors use this power in cases of emergencies and also to secure needed legislation which has been overlooked or neglected by the council at the regular session.

2. **Message to the Council**—The mayor must annually and from time to time give the council information relative to the affairs of the city, and must recommend for their consideration such measures as he may deem expedient. The idea is that he is more familiar with the needs and defects of the legislative needs of the city. The effect of this message upon the members of the council depends upon his influence with the various members and his standing with the people of the city.

3. **Casting Vote**—The mayor presides at all meetings of the council, but does not vote, except in case of tie, when he gives the casting vote.

4. **Veto Power**—Every ordinance or resolution of the council must be sent to the mayor for approval. The mayor may refuse to sign the ordinance if in his judgment it is unconstitutional, or he thinks it unwise or inexpedient. If he approves he signs the ordinance; if he does not approve, he returns it unsigned to the council within ten days with his reasons for the refusal. If he does not return it within the prescribed number of days the ordinance goes into effect without his signature. It is evident that an absolute veto is too great a power to entrust to a single person, however wise he may be. Hence a check has been devised whereby if a measure is returned without the signature of the mayor, and is again passed by the council by a two-thirds vote, it goes into effect notwithstanding the executive's objection. The latter course was adopted because it was felt that the judgment of so large a proportion of the council ought to prevail. Very often the objections of the mayor convince some of those who voted for the vetoed ordinance, and the veto is sustained.

It has been questioned by some men whether it is advisable to give the mayor the veto. Veto and threats of veto have often been made use of by unscrupulous mayors to brow-beat councils. By the veto the mayor has often

forced the council to a policy of submission. Threat of veto has a tendency to make the council evade responsibility and enable them to place the responsibility upon the mayor.

(B). **Executive Powers—1. General Duties**—The mayor's general duty is to perform all such duties as are or may be prescribed by law or by the city ordinance, and he must take care that the laws and ordinances are faithfully executed.

2. **Power to Examine Records**—He has power at all times to examine and inspect the books, records and papers of any agent, employee or officer of the city. This is very necessary, since the mayor is responsible for the administration and must be able to know what his officers are doing at all times. The tendency is to enlarge his powers in this respect.

3. **Power of Appointment**—The mayor appoints such officers, usually heads of departments, who are not elected by the people. His power of appointment is usually limited in that the nomination must be approved by the council. He usually appoints to the offices his political friends, men of his own party and those who are in sympathy with his policies and who aided him at the election.

In the majority of American cities the mayor's appointments are subject to confirmation by the council. By this plan the responsibility is really divided between the mayor and the council and the results are frequent conflicts of authority and inefficiency in government. It is doubted whether the confirmation has proved an effective check upon the mayor's discretion, or safeguarded the cities in any way against the appointment of incompetents. In the more recent reorganization of city governments the confirmation feature has been omitted. Under this plan the mayor is made the real responsible head of the city administration and it is a real mayor system of government.

4. **Power to Remove Officers**—The mayor has power to remove any officer appointed by him, whenever he feels that the interests of the city demands such removal. Whenever he makes any removals he must report the same, with reasons, to the council within ten days after the removal has been made. If the mayor should fail, or refuse to file such reasons, or if the council by a two-thirds vote should disapprove of such removal, the officer thus removed would

thereupon become restored to his office. No officer can be removed a second time for the same offense.

The power of appointment of city officers unaccompanied by the power of removal does not give the mayor a very strong position. If the mayor can appoint men with terms identical with his own he can appoint men of his choice and thus secure a better administration.

(C). **Military Powers**—It is the mayor's duty to suppress disorders and keep peace in the city. When necessary he has the power to call on every male inhabitant of the city over the age of 18 years, to aid in the enforcing of the laws and ordinances. He may call out the militia to suppress riots and other disorderly conduct. When he calls out the militia he does so subject to the authority of the Governor of the State, who is commander-in-chief of the militia.

(D). **Pardoning Power**—The mayor may release any person imprisoned for violation of any city ordinance. He must report such release with the cause thereof, to the council at its first session thereafter.

The purpose of vesting this power in the mayor is to make it possible to correct the errors of courts and juries. Sometimes after the conviction evidence is gained which shows that the person convicted is innocent. In some cases it becomes evident that the offender has been sufficiently punished and should be released.

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### Questions.

1. Can the mayor be re-elected? Is it advisable?
2. Why not elect the mayor for life in Rockford?
3. What can be said about the mayor's salary—is it too much or not enough, or ought he serve without pay?
4. Do you think two-thirds majority enough to override the mayor's veto?
5. How might previous political experience prove a handicap to a candidate for mayor?
6. Do you approve of the executive veto?
7. Do you favor council confirmation of executive appointment?
8. What are the Commission Form and City Manager Plan of government?

## CHAPTER VI.

### OFFICERS ELECTED BY THE PEOPLE OF THE CITY.

**Qualifications**—To be eligible to any city office the person must be a qualified voter and must have resided within the city at least one year next preceding his election. He must never have been a defaulter to the city. No officer can be directly or indirectly interested in any contract to which the city is a party and where the expense, price or consideration is paid from the city treasury. The mayor, aldermen, city clerk, or treasurer may not hold any other office during his term of office.

**Oath and Bond**—All officers before entering upon their duties must take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm, as the case may be) that I will support the constitution of the United States, and the constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of \_\_\_\_\_ according to the best of my ability." This oath or affirmation is filed in the office of the city clerk.

All officers, except aldermen, before entering upon the duties of their respective offices must give a bond with security, which must be approved by the city council. These bonds are given as assurance of the faithful performance of their duties.

**Salaries**—All officers may receive salaries, fees, or compensation to be fixed by ordinance. After the amount has been fixed it can not be increased or diminished during the term for which any officer was elected.

All officers hold office for two years excepting the Police Magistrate, who holds office for four years.

1. **Mayor**—As previously described.

2. **Aldermen**—As previously described.

3. **The Clerk**—The city clerk is the secretarial officer of the municipality and next to the mayor is the busiest man in the government. He conducts a large share of the city's official correspondence, especially such as does not come within the jurisdiction of the individual administrative departments. The office is very intricate, involving the minutest details of city government. It appears that the powers and duties of all other city officials are carefully defined, while all the remaining powers and duties are left to the clerk.

His salary is \$1,850 per year. The bond of \$10,000 which he is required to furnish is the highest required of any officer; due primarily to the fact that he handles so much of the city's money.

**Powers and Duties**—(A). Under the general law he has the following powers:

1. He keeps the corporate seal, which must be affixed to all municipal documents before they become official.
2. He is custodian of all papers belonging to the city, such as bonds, contracts, deeds, etc.
3. He attends all meetings of the city council and keeps a record of its proceedings in a journal.
4. He keeps a record, in a book kept for that purpose, all ordinances passed by the city council, making a memorandum of the date of passage and of the date of publication.

(B). By ordinance he has the following powers and duties:

1. To grant burial permits.
2. To collect water rent.
3. To keep and maintain indexes of all matters required by law to be recorded.
4. To keep and maintain a license record book showing to whom, for what purpose, at what time, for what license fee, and for what length of time licenses have been granted.
5. To file and preserve all official bonds, oaths of office, vouchers, and papers and documents belonging to the city.

6. To keep in a book a correct account of all moneys belonging to the city and to make a report to the council when requested to do so.

7. To receive all money paid to the city and deposit the same monthly, or as often as the cash on hand exceeds \$5,000, with the treasurer, and taking a receipt therefor.

8. To keep an account of the current expenses of the city and in a separate book an account of all the property both real and personal belonging to the city.

**IV. Treasurer**—The city treasurer is custodian of the municipal funds. All moneys belonging to the corporation, namely: taxes, licenses, and other civic revenues, as well as the proceeds of loans, are turned over to him. It is the treasurer's duty to give every person paying money into the treasury, a receipt therefor, specifying the date of payment, and upon what account paid. He is responsible for the proper deposit and custody of these funds. The money is deposited in one of the city banks, a different one every so often. He pays out money only when authorized by the council and upon an order signed by the mayor and countersigned by the clerk. This order states the particular fund or appropriation to which the same is chargeable and the person to whom payable. All moneys belonging to the corporation must be kept separate and distinct from his own moneys. The treasurer is expressly prohibited from using either directly or indirectly the corporation's moneys, for his own use or benefit. Should the treasurer violate this rule he is subject to immediate removal by the city council. The council could then appoint a successor for the remainder of the unexpired term. The treasurer must keep his books and accounts in such a manner as may be prescribed by ordinance and such books and accounts are always open for inspection by any member of the city council.

At the end of each and every month, and oftener if required, the treasurer must render an account to the city council showing the state of the treasury. At this time he also gives a statement of all the moneys received, together with the warrants redeemed and paid by him. The treasurer must also file an annual report with the city clerk containing a detailed account of all receipts and expenditures during the preceding year, also showing the state of the treasury at the close of the fiscal year. The clerk in turn has the same printed and published.

The office is essentially honorary, for there is no salary

attached. The position is passed around among the various banks by custom. No person can be elected to the office of treasurer two terms in succession.

The treasurer must furnish a bond which is fixed at a sum not less than the amount of the estimated tax and special assessments for the current year.

**V. City Attorney**—The duties of this office are:

1. He conducts all the law business of the city, and draws up all ordinances, deeds, leases, contracts, and other papers as may be required of him by the mayor, city council or any committee thereof.

2. He furnishes written opinions upon any subject submitted to him, and pertaining to the city or its interests, when required by the mayor, city council or any committee thereof.

3. He advises all city officers in matters relating to their official duties when asked to do so.

4. He makes a detailed report to the city council at the first regular meeting of the council and after the close of each fiscal year, of all matters pertaining to his office.

5. His chief duty, however, is to appear in court to prosecute for and defend the city.

The city attorney's salary is \$1,000. The bond required is \$1,000.

**VI. Police Magistrate**—Introductory. When a person feels that some one has done him a wrong, he endeavors to obtain redress for that injury in court by bringing a legal action against the offender. This action may be either a civil or criminal action, determined by the nature of the offense.

A civil action is one which has for its purpose the protection or enforcement of a private right; e. g.: I bring action against you to obtain \$14 which I claim you owe me. This is a private affair and is therefore a civil action.

A criminal action is one which has for its purpose the protection or enforcement of a public right, a right which the people publicly enjoy, as established by law; such as assault and battery. A battery is the unlawful touching of another in a rude, insolent or angry manner. In such a case the person injured would start criminal action against the one who caused the same.

**The Court of the Police Magistrate**—The police magistrate is judge in the police court. The police court is the

great clearing house of crime, primarily disposing of cases started by the police, such as drunkards, vagrants, etc. It is sometimes called the poor man's court, because in it justice is speedy, and therefore cheap. Five of every seven defendants arraigned here are disposed of and accept the sentence of the judge as final. No court has a more direct influence for good or evil or for creation of a respect or a disregard for law. For an overwhelming majority of our citizens, particularly foreigners, it is the only court of justice in existence. There may be a higher court, but they do not know of them. To them the magistrate is an autocrat, they being avenged or punished by his will alone. The magistrate, if he is of the right kind, can do more real good, right more wrongs and exert a more wholesome influence upon the working people than any other agent. He can do much to break up the alliance of police with crime. No officer comes into closer contact with the police than the police magistrate. He gets to know them collectively and individually. In determining what should be done in a given case he takes largely into consideration the word of the officer making the arrest.

The police court ought to be regarded as an essential part of the whole police system. If the court is to be efficient it must be given immunity from political pressure. Lack of public confidence in the working of this court has resulted in permitting appeals almost without any restriction. This in turn has weakened the prestige and importance of the lower courts, while on the other hand it has given the higher courts so much to do that thereby the whole machinery of justice has had to slow down.

The police magistrate is elected for four years and receives a salary of \$1,800 per year, together with certain additional fees. The bond required is \$3,000.

**Jurisdiction of the Police Court**—Only minor violations of the law are tried in this court. A summary of the jurisdiction may be classed as "disorderly conduct," violation of so-called "corporation ordinances," as peddling without a license, disposition of persons alleged to be insane, vagrants, and the offense of being a "suspicious person." Any person whom the magistrate finds guilty of any of these charges (except the last), he may fine or imprison. His judgment has a limited jurisdiction. By this is meant that he can decide upon cases only of a specified kind or degree. When the crime committed is larger than thus specified it

is out of his jurisdiction and must therefore be disposed of by a higher court.

The jurisdiction is as follows:

1. **In Civil Actions**—If the amount involved is under \$200; that is, if I wish to sue you for \$195, which you owe me, the police magistrate can decide the case; but if the amount is \$225 he has no jurisdiction over the dispute.

2. **In Criminal Actions**—(a). He can decide all cases where the fine is not over \$200, or the punishment not more than six months in jail.

(b). He can examine cases where the punishment is greater than that stated above, and thus hold the offender for trial in a higher court or dismiss him, as the evidence may warrant.

#### References.

Arthur Train—Prisoner at the Bar, Chapter IV.

Eaton—Government of Municipalities, Chapter XVII.

Wilcox—Study of City Government, pp 214—233.

#### Questions.

1. Why prevent a change of salary for officers while in office?
2. Who receives the largest salary in the city?
3. Why should the city treasurer's books be open to the aldermen?
4. Why is it so essential that the treasurer keep his personal account separate from that of the city?
5. Give two examples of a Civil Action and of a Criminal Action.
6. What suggestion would you make for the reorganization of the Police Court?

### CHAPTER VII.

#### OFFICERS APPOINTED BY THE MAYOR AND BY AND WITH THE CONSENT OF THE COUNCIL.....

1. **The Corporation Counsel**—The counsel for the city is a lawyer. His chief duty is to give advice to the various officials of the city. He assists the city attorney in the trial of suits in which the city is interested. Any citizen of

Rockford may go to the counsel for advice, free of charge, on matters relating to the city, but not, however, on matters of private concern.

The duties of the counsel are: 1. He must draw up such ordinances as may be required of him by the city council or by any committee thereof.

2. He must draw up all contracts for the city and for any departments thereof when so required by the head of such department.

3. He must furnish written opinions upon subjects submitted to him by the mayor, city council, or any department of the city.

His salary is \$1,000 per year, but as the office does not demand his entire time he may devote his attention to other legal business. His bond is \$1,000.

**II. Superintendent of the Waterworks**—The city owns and operates a waterworks, representing a total expenditure of over \$465,000. Hence the importance of the office. The superintendent's duty is to protect the waterworks from unnecessary damage or loss, and keep it in good running order and repair. He personally superintends the future extension of the plant, as the laying of mains, repairs, etc. A report is due yearly to the council, including the work done, material used, cost and expenses involved in the department. To aid the superintendent he is given the power to purchase \$500 worth of material without consulting the city council.

He receives a salary of \$2,500 per year. His bond is \$2,000.

As early as 1875 the people saw the demand for efficient fire protection, and an adequate supply of drinking water. They finally decided to establish a pump station and lay a pipe main through the principal streets. The present site of the waterworks plant was selected because of the presence of a delicious spring. A power house was erected, engines and pump put in and a well sunk where the spring was located. The supply proved inadequate, and in 1881 a new well was sunk. But an epidemic followed which was traced to this well, which proved to be a cesspool.

An eminent geologist and reliable authority was now consulted upon the possibility of starting artesian wells. He assured the people that there was no doubt as to the success of such an undertaking. Contracts were let and the present well, No. 1, was sunk. This well is 1520 feet deep,

and takes its water from the Potsdam formation. In its descent it passes through drift, limestone, St. Peter's sandstone, magnesia lime stone, and Potsdam sandstone, thus making it a superior potable water. By 1888 five wells had been completed. In the year 1897 a new plan was devised whereby a shaft was sunk connecting all the wells. The system now has a daily capacity of 12,000,000 gallons. This is sufficient water for a city several times the size of Rockford.

**III. City Engineer**—The city engineer is the officer in charge of the technical branches of municipal construction. To be qualified he must be a practical surveyor and a civil engineer.

His duties are as follows:

1. To locate and establish lines and grade of any sidewalk, street, alley, avenue, or other public way in the city.

2. To make any and all surveys in and for the city that may be ordered by the council.

3. To make, prepare, and submit all necessary plans, maps, plats, profiles, specifications and estimates for any public work or improvement which may be proposed or ordered by the city council.

4. To superintend the construction of all street pavements, bridges, sewers, and other public improvements; to receive, inspect and measure all lumber, bricks, stone, and other material to be used in the construction of any public work of the city; and to carefully inspect and examine daily or as often as necessary, all public work in process of construction.

5. To carefully preserve in his office all field notes, maps, plans, profiles, papers, books, writings and records made by him, arranged, indexed so that ready reference may be had thereto.

6. To employ all such help as shall from time to time be authorized by the city council.

7. To annually submit to the city council a complete and detailed report of all operations of the department, including a general abstract of all public works or improvements undertaken or completed, and all other matters.

8. To make surveys of lots for private owners, charging: \$2.00 for a single lot and \$1.00 for each additional lot. He must turn over to the city all fees thus collected.

There is no other feature in the building of a city or one that adds so much to its reputation as its streets and



walks. These are the first things to attract the attention of a stranger. If they are indifferent or poor, a city is rated as non-progressive. Rockford has kept pace in the care and improvement of its streets. Thousands are annually spent in improving and beautifying them. This expense is met by a heavy special tax, but the investment brings the largest returns to the city. Rockford has hundreds of streets, hundreds are paved with brick, asphalt and macadam. The hundreds of miles of walks are made of concrete.

The city engineers salary is \$2,250 and he furnishes a bond of \$3,000.

**IV. City Sealer**—It is the duty of the City Sealer to inspect and examine at least once in each year all weights and measures used for weighing or measuring any substance, article or thing in the city. If he finds these to be accurate he marks such weights and measures with an appropriate stamp or seal, and delivers to the owner thereof a certificate of their accuracy. If he finds these measures inaccurate or incorrect, he notifies the owner. It is unlawful for any person to use or suffer to be used any weight or measure that is not correct or accurate. He has power to confiscate and destroy all weights and measures found incorrect.

Refusal to obey the orders of the Sealer is punishable by a fine of from three to one hundred dollars for every offense.

The salary of the office is \$1,000 per year, payable from the fees collected from the inspection of all weights and measures.

**V. City Weighers**—For the purpose of having a uniform system of weighing, and to thereby render satisfaction to the seller and buyer, the Mayor appoints a number of public weighers whose duty it is to weigh and measure all hay and wood brought to the scales. These scales are provided by the city and are situated in various public convenient places, such as the Shumway Market Place, etc.

Every load of wood sold or offered for sale in the city must be inspected and measured by one of the inspectors. The inspectors give certificates of quality, quantity of the load measured and inspected, which certificate is surrendered to the purchaser by the seller. Violators of this rule are subject to a fine varying from \$5 to \$25. The purchaser can demand a remeasuring, but must pay for the remeasuring if the weight is found correct, but if found in-

correct the expense is paid by the seller. The weigher keeps books in which is made an entry of each load weighed, weight, and name of person for whom weighed.

For their services the weighers receive no regular salary from the city, but rather a fee of ten cents for each load of hay and wood weighed and measured. The fee is paid by the seller.

**VI. Market Master**—His business is to see that the ordinance regulating the market (Shumway Market Place), be observed and that the persons in and about the market conduct themselves in a peaceable and orderly manner. He can arrest any person who violates any of the provisions of the ordinance regulating the market, or who disobeys the market master. This ordinance deals with the sale of food, behavior of the sellers and buyers, and the general order of the market. The Master gives directions respecting the arrangement of any vehicle, cart, or wagon. The violators of the rules are subject to a fine from \$2.00 to \$100.00. The Market Master must report daily at the market.

His salary is \$600 and he furnishes a bond of \$1,000.

**VII. Plumbing Inspector**—To be qualified for this position the individual must be a citizen of the United States, a resident of Rockford, and hold a Plumbers Certificate paid up to date when appointed. He must devote his whole time to the city's work.

His duty is to see that the construction, reconstruction, maintenance, and control of the plumbing, drainage and plumbing ventilation of all buildings in the city of Rockford conform with the rules and regulations established by ordinance. He signs and issues all notices, permits and certificates required, passes upon all plans submitted, and keeps a daily record of his work, including all notices and applications received, permits granted, violations of regulations, etc. The inspector inspects all houses in the course of erection or undergoing alterations or repairs and sees that all work of plumbing is done in accordance with the law.

His salary is \$1,200 and he must furnish a bond of \$1,000.

**VIII. The Commissioner of Health**—The Department of Health for the city of Rockford consists of the Commissioner of Health together with the Mayor and the Chief of Police. The last two are ex-officio members of the department and constitute an advisory board to act with the Commissioner.

The Commissioner of Health must be a resident of the city holding a physicians certificate and must be educated in sanitary science and in the nature and causes of disease and the methods of its prevention.

His activities may be classified as follows:

1. Quarantine against contagious diseases, including efforts to prevent or abolish such diseases by:

(a) Investigation of their causes, their prevalence (vital statistics) and their location.

(b) Compulsory isolation of the sick in hospitals and sanatorium or at home.

(c) Free treatment and municipal nursing.

(d) Public preventative medicines; state or national distribution of vaccines, antitoxines, quinine, disinfection, and inoculation.

(e) Medical examination of immigrants and school children.

(f) Care of the dead; regulations concerning embalming, transportation, and burial.

(g) Free municipal diagnosis laboratories for the detection of disease germs in sputa, culture, etc.

(h) Registration of births and deaths.

2. Abatement of nuisances.

(a) Provision for pure water supply and proper systems for the disposal of sewage, garbage, dust, ashes and smoke.

(b) Suppression of offensive trades and of offense against the public health or public morals in any trade. Hence the laws on ventilation of factories, for protection of machinery, against child labor, limitation of women's working hours.

(c) Prevention or suppression of unsanitary housing conditions.

(d) Control of the sale and storage of explosives, fireworks, etc.

(e) Control of the suppression of the sale of impure foods, poisonous drugs, tobacco, alcoholic liquors, unclean or diluted milk.

(f) Public teaching of the dangers connected with the use of these substances, and hygiene; suppression of printed matter and advertisements detrimental to the public health and public morals.

3. Regulation of medical practice, through examination of doctors, osteopaths, and nurses.

His salary is \$1,150 per year and he furnishes a bond of \$2,500.

#### Various Boards. A. Board of Examiners of Plumbers.

This board consists of three members; the Health Commissioner as chairman, a master plumber, and a journeyman plumber. The last two are appointed by the Mayor by and with the consent of the council for one year, and until their successors are appointed and qualified. The board designates the time and places for examinations of all applicants desiring to engage in or work in the business of plumbing. The board examines applicants as to practical knowledge of plumbing, house drainage, and plumbing ventilation and if satisfied of the competency of the applicant, issues a certificate authorizing him to engage in or work at the business. A fee is charged for all certification. Besides this certificate every plumber must secure a license from the city clerk.

The members of the board receive no salary. Their compensation comes solely from fees.

B. **The Library Board**—The Library Board consists of nine members, three of whom are appointed each year and hold their office for a term of three years. Their duties consist in general supervision of all libraries, as to the hiring of assistants, the purchase of books and maintenance of the building. They receive no compensation.

Our library has kept up with wonderful development of the city and is today one of the finest equipped libraries in the central west. In 1901, Mr. Andrew Carnegie offered to give \$70,000 for a library building, providing Rockford furnished the site and raised a fund which would provide \$8,000 per year for the maintenance. The ground upon which the building stands was originally owned by the Gas Company, who valued it at \$11,000, but took \$9,000 for it. Today the property is worth over \$25,000.

The classical structure of the building informs any stranger that it is a library. The enterprise represents an investment of \$240,000. The library is very popular as shown by the yearly increase in the circulation of the books, which amounts to about 200,000 per year. There are some 60,000 volumes in the library which are valued at approximately \$50,000.

C. **The School Board**—The Rockford School Board consists of ten members besides a president and secretary.

Two are appointed from each ward and hold their office for a term of two years. Five go out and five new ones are appointed each year.

All positions on the board are unsalaried. The objection to the payment of boards is that such payment opens dangers of getting inferior, self seeking men and producing conflicts with the professional heads of the school system.

Meetings of the board are held on the first and third Mondays of each month. Special meetings may be called by the president of the board or any two members. The board determines its own rules and order of business.

The power and duties of the board are as follows:

1. To establish and support free schools for not less than six nor more than ten months in each year. The schools are built for children over the age of six and under the age of twenty-one.
2. To repair and improve school houses and furnish them with the necessary fixtures, furniture, apparatus, libraries and fuel.
3. To buy or lease sites for school houses with the necessary grounds.
4. To examine, employ and fix the salary of superintendent, principals and all teachers.
5. To prescribe the method and course of discipline and instruction in the different schools.
6. To expel a pupil for cause.
7. To dismiss a teacher.
8. To prescribe the school books to be used.
9. To levy taxes.

The money to pay the running expenses of the school system comes from three sources:

1. **State School Tax**—That is the money which the state gives the school from taxes collected throughout the state.

2. **Non-Resident Tuition**—Pupils who live outside of the city limits, between the ages of six and twenty-one, wishing to attend the schools at Rockford must pay tuition at the following rates:

High school, per month .....	\$5.00
Grammar school, per month .....	2.00
Primary school, per month .....	1.50

3. **Tax Levy**—The board determines the amount of levy upon taxable property within the city, provided that that tax does not exceed 5 per cent of the valuation of such property, two and one half of this for building purposes and two and one-half for general maintenance. The tax levy for school purposes must be made by the city council.

Nothing means more to the public at large and to the future welfare of the city, than its free public school system. Rockford has spent much money wisely in building up a strong system. The high standard maintained makes the city a leader in Illinois. At present the system includes twenty-one public schools including one of the best high schools in the state. The high school occupies a central location and erected at a total cost of \$400,000. The building is regarded as one of the finest and most suitable arranged in the west. The grade schools are valued at over a million dollars. The city employs 58 high school teachers, and 226 grade teachers, all of whom must be able, trained, modern in methods and the best in every respect. The salaries of the teachers employed amounts to \$260,000 per year. The total attendance reaches 8,600 pupils of which about 1,500 attend the high school.

D. **Board of Police and Fire Commissioners**—The board consists of three members; whose term of office is three years and until their respective successors are appointed and qualified. No member of this board is allowed to hold any paid office under the United States, state or city, and not more than two may be of the same political party.

The board appoints all members of the fire and police departments, but all promotions must be made from the rank next below. All applicants for positions must take an examination which is public, competitive, and free to all persons possessing the right of suffrage in the city. There are some reasonable limitations as to residence, age, health, habits, and moral character. The examinations are practical, relating to those matters which will fairly test the applicant as to his ability to do this work. Politics and religion may not enter into consideration. Promotions are made on the basis of merit and seniority in service by examination. The board can make temporary appointments covering sixty days. No one can be removed except by written charges and after being heard in his own defense. A person found guilty may appeal the case to the circuit

court, but must pay the cost of the appeal if the case is decided against him.

The members of the board receive \$75.00 per year as salary.

**Board of Local Improvements**—This board is not appointed but is one of the important boards of the city.

It consists of the mayor who is president, the city engineer, and a member of the council who acts as secretary. The secretary receives a salary of \$350 and the other members \$250 per year.

**Powers and Duties**—All local improvements in the way of paving and sewage are made by this board.

Before initiating any form of improvement, the board usually waits for a petition. If this petition contains the names of at least one-half of the property owners whom the improvement would effect, the board proceeds. On the other hand, if in the opinion of the board, a certain line of improvement is necessary, they may proceed without petition, or may ignore any petition to the contrary.

An ordinance for this improvement is then originated by the board and sent to the council for adoption. It now rests with the board to levy a special tax on the property owners thus benefited, to pay or assist in paying for the work done.

A copy of this special tax is then given over to the county judge; one mailed to each of the property owners effected, and a day set on which they may come before the judge and present their case if they think they are overtaxed. If the special assessment is confirmed by the judge, the tax is levied and collected in ten yearly payments by a collector appointed by the Mayor.

The city council in its discretion may by ordinance passed by two-thirds vote, provide for the election by the voters, or appointment by the mayor such other officers as may be deemed necessary or expedient. The city council may by like vote discontinue any office so created.

#### References.

F. J. Goodnow—City Government in the United States, pp. 191-199.

W. B. Munro—Government of American Cities, Chapter X.

J. A. Fairlie—Essays in Municipal Administration, Chapter XVIII.

#### Questions.

1. Why put so much emphasis on the water supply of a city?
2. How does the taxpayer receive benefits in paying for expensive streets?
3. Explain how the city sealer may prove valuable to the citizens of Rockford.
4. Why have a plumbing inspector? Cannot a man put in cheap plumbing in his own house if he wants too?
5. Is it dangerous or a good thing to give the Health Commissioner so much power?
6. What connection is there between a library and the cultural standard of a city?
7. What are the advantages of having a school system like that of Rockford?

## CHAPTER VIII.

### THE POLICE DEPARTMENT.

Rockford's police force is one of the best in the country. It is a model. The discipline in the department is good and excellent harmony exists. Few officers are sent before the Police and Fire Commissioners for charges preferred against them. The problem of police management and discipline requires prompt decision, firmness and clear judgment and such qualities are supplied by the head of the Rockford department. The department aims to reduce the amount of crime as much by prevention as by punishment.

The present police force consists of one chief of police, one captain, one lieutenant, one patrol sergeant, one desk sergeant, one secretary, one jailer, one sanitary officer, twenty two patrolmen (including two motorcycle officers and two plain clothes men), two patrol drivers, five merchant police and one sixty day man. The average city has one policeman for every one thousand inhabitants. Rockford has twenty-two policemen and we immediately recognize the handicap under which they are working. The department is to be praised for the results accomplished under the present conditions.

**Qualifications**—An applicant for the position of patrolman must be not less than 23 years of age or more than 35 years of age. He must be at least five feet ten inches tall (in bare feet) and not less than 155 nor more than 197 pounds in weight. No person is appointed to patrolman who is not a citizen of the United States, a legal voter of Rockford, a resident of Rockford for at least 3 years and who does not speak the English language. A person who has been convicted of a crime is ineligible.

**Examination**—All appointments made by the Police and Fire Commissioners are based upon a civil service examination which covers the following subjects:

1. Reading from print and manuscript.
2. Handwriting.
3. Writing from memory the substance matter communicated orally.
4. Arithmetic.

5. Matters concerning city government, location of streets and public buildings and such general matters concerning which strangers in the city usually inquire.

Each applicant must submit, at his own expense, to a thorough medical examination. The examining physicians report the results to the Board.

**Probation**—All appointments of patrolmen are made upon probation. If during the first three months of actual service the candidate proves unfit for the position he is dropped from the service. After passing this test the candidate receives a regular appointment.

**Promotion**—Appointments to positions of higher grade than that of patrolman are made by promotion of persons already in the service. These promotions are based upon ascertained merit, efficiency, examination and seniority of service.

**Dismissal**—All removals from the service are made by the Board, but no one can be removed without cause. Proofs of bad character, intemperate habits, criminal or disgraceful actions would be sufficient causes for dismissal. Charges against any person holding a position in the police service must be filed in writing by the head of the department or by any reputable person. The accuser has a right of coming before the Board and being heard in his own defense. Should any member feel that there was an injustice worked in being thus removed, he may make an appeal to the state circuit court. In order to maintain discipline and promote efficiency the Board may after having heard the officer in his own defense reduce him to the extent of one grade. Any officer so reduced in rank cannot be restored except by general promotional examination. A person once dismissed from the department for violation of the ruling and regulations thereof, may make another application for appointment, after 12 months have elapsed, and provided the Board deems such applicant the proper man for the department. A second dismissal is final.

**Bond**—The official bond of each member of the police department is \$1,000. This is given as a guarantee of faithful performance of duty.

**Powers and Duties; General**—A police officer has the right to make arrests—to take a person into custody for an alleged breach of the laws or prevent an anticipated breach.

Such arrests may be made either with or without a warrant, but the right of a policeman to make an arrest without a warrant is limited by the rules of common law. As a rule a policeman can make an arrest without a warrant only when a felony has been committed, or when he has reason to believe that a person has been concerned in committing a felony. Felonies are offenses for which the offender on conviction is liable to be punished with death, or by imprisonment in the penitentiary or other prison. The following are felonies: Murder, manslaughter, robbery and assault. An officer may make an arrest when a misdemeanor has been committed in his presence. A misdemeanor is any crime less than a felony and may be such cases as assault and battery, resisting, obstructing, assaulting or refusing to assist an officer in the execution of his duty, disturbing the peace, destroying trees, cruelty to animals, fast driving, discharging fire arms, etc.

In making an arrest, a policeman may break open doors or windows if he is refused admittance, after having stated his purpose. Forcible entries must not, however, be made on mere suspicion or for the purpose of securing evidence, and search of houses for stolen goods may be made only when a police officer has the proper warrant.

In making an arrest the policeman is warranted in using as much force as is necessary to secure the custody of the offender, and to protect himself—but no more. All officers have power to demand the aid of bystanders when arresting a person who resists. Should any person refuse to render this assistance, he is liable to a fine of from five to twenty-five dollars.

**Special**—The special powers of officers are the performance of functions which are not strictly police duties. Examples of these are: The work of the sanitary inspection, taking of the school census, or listing of the voters. The tendency to commit special functions by the police is not so common in America as in Europe.

(a) **Chief of Police**—The Chief is usually a man promoted from the lower ranks, and having had much experience is thoroughly familiar with every branch of police duty. He has immediate charge of the administration of the entire department. His whole time is devoted to the duties of this office. It is his duty to see that all the laws of the State and all city ordinances are enforced. Members of the police force receive their orders from the Chief

through the Captain and Sergeant. The Chief is responsible for the preservation of the public peace and protection of life and property in the city.

The Chief of Police receives a salary of \$2,000 and enjoys securities against improper removal. He may retire upon a pension. All members of the department after a number of years of service may retire upon a pension.

(b) **Captain**—The Captain is the assistant Chief, and in the absence of the Chief has charge of the department. He has a general supervision, under the direction of the Chief, over the various police precincts. He is responsible for the preservation of peace and the protection of life and limb in the several precincts and for the discipline of the force therein. Each week he makes an inspection of the station house, supervises the keeping of records, inspects the members of the force while on duty so as to satisfy himself that the duties are properly performed. Monthly inspections are made of uniforms, caps, helmets, revolvers, clubs, etc., and a report made to the Chief. All charges against members of the police force are transmitted to the Chief by the Captain.

His salary is \$1,300 per year.

(c) **Lieutenant**—The Lieutenant of Police is the third officer in command, and performs such duties as the Chief may require of him. He has the Captain's powers and functions whenever the latter is off duty. He wears a uniform indicative of his rank.

His salary is \$1,200 per year.

(d) **Patrol Sergeant**—The Patrol Sergeant sets an example of sobriety, skill, discretion and industry and promptness to the patrolmen under his command. He is responsible for the general good order and discipline of the men and he is careful to see that every patrolman comes on duty neatly and correctly dressed. All cases of misconduct or neglect of duty are reported by him to the Chief. He reads and explains all orders, instructs his subordinates with reference to rules and their duties, and keeps a record of all the happenings within the police district. The Sergeant inspects each outgoing platoon of patrolmen with respect to the condition of the men, uniforms, arms and equipment. When crimes are committed the Sergeant makes a personal investigation; takes action and reports the same to the Chief.

His salary is \$1,080 per year.

(e) **Desk Sergeant**—The Desk Sergeant has charge of the police alarm system and receives all reports from officers sent in by telephone. The complaints of citizens are carefully recorded in a book kept for that purpose. In cases of murder, burglaries, etc., the Desk Sergeant dispatches officers to the scene immediately. After receiving details pertaining to such a case the Patrol Sergeant takes charge. The Desk Sergeant takes care of all persons brought to the jail, searches them, and holds the property so removed.

His salary is \$1,080 per year.

(f) **Secretary to the Chief of Police**—He must attend to such duties at such places as may be assigned to him. Most of his duties are clerical. It is his duty to direct persons making complaints or reporting complaints to the proper officer. He must be between the ages of 21 years and 35 years and in other respects must satisfy the requirements of patrolmen.

His salary is \$1,080 per year.

(g) **The Jailer**—The jailer has supervision of the jail and is held responsible for the safe keeping and humane treatment of all prisoners. He keeps a record of all prisoners received and discharged from the jail, and makes a daily report of the same to the Chief.

His salary is \$900 per year.

(h) **Patrol Drivers**—Their duty is to drive the patrol wagon in response to calls, for the purpose of bringing offenders to jail. The driver is responsible for the upkeep of his wagon. When driving they must exercise due care.

His salary is \$1,020 per year.

(i) **Police Matron**—She is not on the civil service list. Her business is to look after the welfare of all girls and women brought to jail. These are mostly delinquent girls. The Police Matron does not put in full time, but only reports when called. She is also Probation Officer.

(j) **Sanitary Officer**—The Sanitary Officer performs such duties as required by the Department of Health, such as quarantine, the removing of garbage and refuse, etc. But the officer is under the jurisdiction of the Chief and subject to his orders at all times.

His salary is \$900 per year.

(k) **Merchant Police**—Their duty is primarily to guard

the business houses at night. After closing hours they see that all doors and windows are closed and locked. They are paid by both the city and the merchants. They receive \$25 per month from the city for taking care of its business. Since the Merchant Police receive compensation from the city they are under the jurisdiction of the Chief of Police and subject to his orders at all times.

(l) **Reserve Men**—This officer is below the rank of patrolman. He is really a patrolman serving a period of probation. At first he is put on night duty with experienced patrolmen and during some of the day hours is given instruction in the police regulations and police duties.

His salary is \$900 per year.

(m) **Plain Clothes Men or Detectives**—These men are detached from their regular patrol and station house duties, the greater part of their time being spent in plain clothes. The officer must be given a wide latitude in determining how he may spend his own hours of duty so that careful supervision of such officer becomes a matter of difficulty. As the prevention of crime depends upon certainty of detection rather than upon severity of punishment, the efficiency of a city's police administration hinges in a considerable degree upon this branch of the service.

The salary is \$1,020 per year.

(n) **Patrolmen**—The Policeman's duty is to enforce the laws and ordinances in the area to which he is assigned as his "beat" or patrol. It is his duty to watch for violations of the law, to report them to the Desk Sergeant, and to take action against offenders as he may seem fit.

Patrolmen devote their whole time and attention to their business and they are prohibited from following any other calling. Though they are on duty for regular hours, they must be prepared to report immediately upon notice. Punctual attendance, prompt obedience to orders, and conformity to rules of the department are rigidly enforced.

The object of the department is prevention of crime and so every officer makes himself familiar with his assigned area and watches suspicious persons. The absence of disorder and crime is considered the best proof of the efficiency of an officer. A good officer fixes in his mind impressions which will enable him to recognize criminals and undesirable persons, and persons sought after.

**The General Instructions to Officers.**—The first duty of an officer is to observe the laws and obey the orders of his commanding officer.

An officer is a servant of the people. Every person should receive protection and kind treatment.

An officer should use his club only for self defense. A pistol should be used only in extraordinary cases as when acting in self defense, when attacked or pursuing an escaping criminal.

An officer should give information to citizens in regard to general matters, but not in regard to departmental affairs.

An officer may pursue an escaping criminal and in case of felony may even break open doors after demand for admission has been made.

The manners, actions, conversation of persons may warrant an officer to arrest on suspicion.

The essential requirements of a good policeman are: honesty, truthfulness, sobriety, courage, intelligence, good morals, good temper, promptitude, impartiality and pleasant address.

The salary of a Patrolman is \$1,020.00 per year.

**Miscellaneous**—The Chief of Police makes an annual report to the Board from which some interesting and valuable information can be gathered. During the year some 2,500 arrests are made and in order, the following are the most numerous: Drunk, vagrancy, disorderly conduct, drunk and disorderly, larceny, gambling, suspects, assault and battery, violating the speed ordinance, violating the liquor ordinance, violating the traffic ordinance, fighting, begging, disturbing the peace, violation of the State school law, etc. The prisoners are disposed of in various ways, as paying fine in court, given certain number of hours to leave the city, cases dismissed, committed to jail, fines stand but pay costs, sent to county jail, cases continued, cases settled out of court, fines suspended on good behavior, prisoner held for county court or grand jury, etc. Some months the number of arrests are greater than in others, in fact, there is often a great difference. The police books show that more single men are arrested than married men. The greater number of persons arrested are between the ages of 21, to 30 years,

while the least number of arrests are classed among those under 16 years of age or over 70 years. The classified order of the nativity of persons arrested is: Americans, Swedes, Russians, Italians, Germans, Hungarians, Greeks, etc. The order of occupations of persons may be listed as follows: Laborers, machinists, unemployed, furniture workers, housewives, clerks, painters, merchants, molders, carpenters, farmers, salesmen, solicitors, peddlers, farm hands, teamsters, domestics, etc.

Of course it must be borne in mind that the conditions as cited are not the same every year. The material acts as an indicator and ought to be valuable for finding remedies for violations of the laws and to reduce the police problems. The material cited covers the report for the year 1914 and the year 1915 or any other year may bring decided changes.

**Need of Better Treatment**—For the quality of service which it expects, the American city rarely pays enough. Men who are required to be of unusual physique, far more than average intelligence, tactful, courageous and honest are asked to join the department at rather low salaries. The positions are not very secure. When a long and satisfactory term of service is ended an officer may receive a pension but it is seldom adequate. Along with efficient methods of appointment, must go better pay. Greater security against unjust removal and more liberal pension are necessary if the standards of Europe in police administration are to be reached in America.

**The Continental Police**—The police systems of various European countries are more or less directly under state control. Where municipal authorities exercise control over the organization and activities of local police they do this merely as agents of the central government.

In the French cities the local police force is directly under the supervision of the mayor. But the "Commissaire de police" or chief local officer is appointed by the central government. The "Gendarmes" are selected from a list furnished by the minister of war. The mayor's authority with respect to the police is strictly supervised by the prefect and he also determines the regulations as to pay, duties, discipline and dismissal. In the larger cities the police are under the direct supervision of the prefect.

In the smaller cities of Germany the "Bürgermeister" has charge of the local police, subject to the strictest super-



vision by the national authorities. In the larger cities the central government appoints a commission.

The distinguishing characteristics of police organization and functions in all European countries, in addition to strict central supervision are: Intimate relation between civil police and the military department, the wide range of powers exercised by the police, and the division of the police forces into separate branches for the performance of specialized functions. Throughout Europe it is the custom to recruit the police from the lists of men who have served a term of service in the army and have had a good record. Almost everywhere it is the custom of the police to perform special duties as, inspection of buildings, enforcement of public moral laws, etc.

The result of the highly centralized system is efficiency, integrity and exactly what American cities desire. America would do well to follow Europe in many respects.

#### References.

**Goodnow, F. J.**—Municipal Government, Chapter XI, pp 234-267.

**Beard, C. A.**—American City Government, Chapter VI. National Municipal League, Proceedings, 1909, pp. 157-171, 172-178.

**Munro, W. B.**—Government of European Cities, pp. 73-75, 194-196.

**McAdoo, W. M.**—Guarding a Great City, Chapters III, IV, VII, VIII, XII, XV, XX.

**Fuld, L. E.**—Police Administration, Chapter I, Section I, pp. 1-16; Chap. II, Sec. II; Chap. III, Sec. I and II; Chap. IV, Sec. I and II; Chap. VI, Sec. I and III; Chap. VII, Sec. I and III; Chap. IX, Sec. I, II, III and IV.

#### Questions.

1. Who are the members on the Police Department?
2. Why have so many qualifications for a policeman?
3. When can an officer make an arrest, with or without a warrant?
4. If you were at the head of the police department how would you instruct your policemen—along what lines?
5. What is the difference between a felony and a misdemeanor?

6. What improvements would you suggest that the department follow?

7. Compare the police administration of Europe with that of Rockford.

## CHAPTER IX.

### THE FIRE DEPARTMENT.

1. **Number**—The city employs 67 regular paid firemen, consisting of one Marshal, one Assistant Marshal, one electrician, eight captains, eight lieutenants, six engineers and forty-two regular firemen.

2. **Appointments and Dismissals**—The system of appointing and dismissing as well as promoting firemen is the same as that of police officers, it being under the direct supervision of the Board of Police and Fire Commissioners. Firemen are given a rigid physical, mental and moral examination before becoming qualified for the service.

3. **Qualifications**—No person will be appointed a Fireman who is under 21, or more than 33 years of age (unless he has had at least one year's previous experience in the department) or who is less than five feet eight inches in height, or less than 145 pounds or more than 185 pounds in weight. The applicant is required to be a citizen of the United States and a legal voter of the city of Rockford, must have resided within the city of Rockford for at least one year and must speak the English language understandingly. He shall be placed on probation for a period of three months and if at the end of that time proves in the opinion of the Board unfit he shall be dropped from service.

**Promotions**—Promotions in the Fire Department shall be based on ascertained merit, examination and seniority of service and shall as far as possible be made from rank to rank, based upon voluntary competitive examination.

**Bond**—The Fire Marshal and assistant Fire Marshal are required each to furnish a bond of \$1,000.00. No bond is required from the other members of the department.

**Powers and Duties**—(a) **Marshal**—The Fire Marshal shall have the command and management of all members of the Fire Department. To the best of his ability he must

put out all fires, taking all necessary precautions against damage by water and against loss of life. He may destroy buildings or parts thereof to prevent the spreading of fire or loss of property and life. He must enforce all rules and orders of the Board and report any infraction of the rules on the part of the members to the Board. His salary is \$2,000.00 per year.

(b) **Assistant Fire Marshal**—He must attend all alarms and fires in person and promptly report his presence to the Marshal. It is his duty to visit each station at least once a week and thoroughly inspect the journals and equipment thereof. All orders issued by the Marshal are transmitted to the members by the assistant Marshal. He shall inquire into the causes of all fires within the city of Rockford and find out the names of the tenant and owner of the property burned, the amount of loss and insurance. In the absence of the Marshal he is at the head of the department. His salary is \$1,300.00 per year.

(c) **Captain**—At the head of each of the six stations is a captain who has unconditional command of his respective company. Each captain shall keep a journal of all that transpires at his station pertaining to the Fire Department. The captain shall familiarize himself with all buildings in his district and promptly report to the Marshal all buildings within his district which would be dangerous in case of fire. He instructs the members of his company and reports all inefficient service to the Marshal. His salary is \$1,140.00 per year.

(d) **Electrician**—The Fire and Police Alarm Telegraph System is under his control and he is held responsible for the good order of the same. He promptly reports to the Marshal any defect in the apparatus or interruption in the working of the lines and reports for duty on all second alarms. His salary is \$1,140.00 per year.

(e) **Engineers**—Each Engineer has the care and management of his engine, keeps it in good order and ready for immediate use at all times. His salary is \$1,080.00 per year.

(f) **Lieutenant**—The Lieutenant shall be second in command of the station and in the absence of the captain shall perform all of the duties required of the captain. His salary is \$1,080.00 per year.

(g) **Firemen**—It is their duty to respond to all alarms

and do all in their power to extinguish fires; to obey the orders of their superiors. Their salaries range from \$840.00 to \$1,020.00 per year.

**General Rules and Regulations**—The first officer of the department to arrive at a fire assumes command and shall have full control until relieved by a superior officer.

No member shall leave his quarters or fires without the permission of his commanding officer.

Members shall not gamble in the quarters nor shall they cause or allow intoxicating beverages of any kind to be kept in the quarters.

Members shall not use obscene, immoral, disrespectful, impudent or improper language and shall always conduct themselves respectfully.

No member shall engage in electioneering for any candidate at election time nor participate in political campaigns. The right of each member to vote, however, shall not be denied him.

All Firemen must drill in hitching horses, starting motor apparatus, coupling hose and hydrants and making engine connections.

All appointees within thirty days after appointment must attire themselves with the regulation uniform.

#### References.

**Crocker**—Fire prevention, Introduction, Chapter I, II, III, V, VI, IX, X, XVI.

**World's Work**—Vol. 17, pp. 11389; 11467.

#### Questions.

1. Describe the organization of the fire department in your city. How many firemen are employed?
2. What was the cost of fire protection in your city last year?
3. How are members to the fire department chosen? In what way must they qualify before becoming members?
4. Is the fire department in your city under civil service rules? Give arguments in favor of this plan.
5. Compare the cost of fire protection taking into consideration the fire loss of your city, with other cities of the same size in the state.

6. In general what can you say of the efficiency of the fire department of your city?

7. Can you suggest fire prevention methods which might keep down the tremendous fire loss within the nation every year.

8. Do you know how to turn in a fire alarm?

## CHAPTER X.

### THE CITY FINANCES.

**Sources of Income for the City**—There are two general sources from which the city of Rockford derives an income with which to meet the running expenses of the city.

1. **Revenue**—The council has from time to time passed ordinances.

(a) Requiring the payment of a license fee for the permission of conducting or maintaining certain forms of business.

(b) Requiring certain concerns to pay a per cent. of their gross earnings, or a fixed amount for a franchise to the city.

(c) Requiring the payment of a fine for the violation of certain ordinances.

These three are considered as one general source and all money thus derived is collected by the city clerk. Following is a detailed table setting forth the amounts derived by the city for the various forms of business:

Rockford & Interurban Railway Co., per year.....	\$2000.00
Druggists' liquor permits, per year.....	5.00
Milk Dealers, per year.....	1.00
Fire Insurance Agents, per year.....	1.00
Express, Hacks, Taxi Cabs and Jitneys, per year.....	5.00
Junk Stores, per year.....	25.00
Junk Wagons, per year.....	10.00
Ice Companies, per year.....	50.00
Second Hand Stores, per year.....	10.00
Pawn Brokers, per year.....	50.00
Building Movers, per year.....	5.00
Billposters and Distributors, per year.....	20.00
Auctioneers, per year.....	25.00
Amusement Houses, per year.....	100.00

Plumbers' Licenses, per year.....	10.00
Deadly Weapons, per year.....	5.00
Circus, per day.....	100.00
Hawkers and Peddlers, per day.....	\$1.00 to 3.00
Dog License, each.....	25c and 0.50
City Sealer.....	Fees
Market Master, each permit.....	0.10
Plumbing Inspection.....	Fees.
Water Rent.....	Collections
Survey.....	Collections
Road and Bridge Tax.....	( $\frac{1}{2}$ of Levy)
Rockford Home Telephone Co.....	2% of Gross Income
Rockford Electric Co. Light Franchise.....	2% of Gross Income
Rockford Heating Co. Heat Franchise.....	2% of Gross Income

Ten days before the first Tuesday in February of each year the aldermen of the city estimate the amount of money required to run the various departments for the fiscal year beginning January 1st and ending December 31st.

They then go about making appropriations to the various departments according to their estimate, the amounts required. These appropriations are made in the form of an ordinance setting forth in detail the purpose for which each appropriation is made.

But the money derived from the above source just stated is not sufficient, so it must be obtained from a second source, that of taxes; taxes levied uniformly on all the real and personal property within the town.

More than one-half the money required to defray the city's expenses is derived from this second source.

Should a property holder refuse or neglect to pay his taxes when they fall due, his property will be sold and the taxes taken from the amount realized.

# STATEMENT.

Showing the sources from which the Appropriation for 1915 are derived, as approved by the City Council, Feb. 1, 1915.

	Revenue	Tax Levy Appropriation	
		\$ 25,621.06	\$ 25,621.06
<b>INTEREST FUND—</b>			
<b>GENERAL FUND—</b>			
From Unappropriated Fund..	\$ 6,401.64		
General Licenses .....	5,250.00		
Dog Licenses .....	250.00		
Fines and Penalties ..	7,000.00		
Home Telephone Co. .	600.00		
Rf'd Electric Co., Heat.	700.00		
Rf'd Electric Co., Light	2,357.25		
Rf'd & In'urban Ry. Co.	2,000.00		
City Sealer .....	175.00		
Market Master .....	650.00		
Park Board Rent.....	200.00		
Plumbing Inspections ..	1,500.00		
Board of Plumbers.....	500.00		
Water Rents .....	5,502.32		
	\$ 33,086.20	\$ 130,551.41	\$ 163,637.61
<b>FIRE DEPARTMENT FUND—</b>			
From Unappropriated Fund..	\$ 21.00		
Sale of Horses & App's	1,900.00		
Rent of House at No. 2	150.00		
	\$ 2,071.00	\$ 91,475.17	\$ 93,546.17
<b>ENGINEER FUND—</b>			
From Unappropriated Fund..	\$ 41.56		
Surplus 1914 Fund.....	187.97		
Road and Bridge Tax..	33,487.42		
Surveys .....	300.00		
Sale of B'ge Bldg. Bonds	109,000.00		
	\$ 143,016.95	\$ 26,309.68	\$ 169,326.63
<b>SEWER FUND—</b>			
From Surplus 1914 Fund.....	\$ 345.04	\$ 5,884.04	\$ 6,229.08
<b>WATER WORKS FUND—</b>			
From Surplus 1914 Fund.....	\$ 4,066.25		
Water Rents .....	84,487.69		
	\$ 88,563.94	\$ 21,731.90	\$ 88,563.94
<b>LIBRARY FUND—</b>			
<b>PUBLIC TUBERCULOSIS SANATORIUM FUND—</b>			
From Surplus 1914 Fund ...	\$ 15,827.80	\$ 20,734.50	\$ 36,562.30
	\$ 292,910.83	\$ 322,307.76	\$ 605,218.69
Total Appropriation.....	\$ 605,218.69		
Revenue .....	232,910.93		
Tax Levy .....	\$ 322,307.76		
Total School App'n.....	\$ 487,963.38		
Revenue .....	46,519.67		
Tax Levy .....	\$ 421,444.21		

2. **Purposes for Spending Income**—The state law of Illinois requires all cities to make appropriations for corporate purposes only; that is for purposes of maintaining expense of running the government.

By making an annual appropriation of \$1,350.00 to the hospitals, \$300.00 to the Public Welfare Association, \$500.00 to the Children's Home, and \$500.00 to the Winnebago County Home for the Aged, the City of Rockford has for some time violated this law.

Another important provision of the state law is, that it will not permit the council to appropriate money unless as provided for in a previous appropriation ordinance expressly made for that purpose.

## Appropriations for 1915 as follows:

Interest Fund .....	\$ 25,621.06
Salary of Mayor, Clerk and Aldermen.....	6,190.00
City Hall Expenses .....	2,960.00
Public Market Expenses .....	711.50
Special Assessments .....	26,692.30
Public Charities .....	2,650.00
City Sealer .....	1,300.00
Board of Election Commissioners .....	6,985.00
Board of Local Improvements .....	1,000.00
City Lights .....	37,662.00
Board of Police and Fire Commissioners .....	400.00
Legal Expenses .....	4,940.00
Plumbing Inspection .....	1,250.00
Board of Plumbers .....	410.00
Police Department .....	41,587.00
Health Department .....	15,560.00
Fire Department .....	93,546.17
Engineering Department .....	169,326.63
Sewer Department .....	6,229.08
Water Works Department .....	88,563.94
Library Fund .....	21,731.90
Tuberculosis Sanatorium Fund .....	36,562.30
Deficit in Taxes, 1913-1914 Fund .....	5,216.51
Miscellaneous Expense .....	8,123.30

Total Appropriation .....\$605,218.69

3. **The City's Indebtedness**—The city can at any time the majority of its voters desire, bond the city for the purpose of making local improvements which cannot be made

fast enough by taxation, up to 5 per cent of the assessed valuation of the property in the city.

The City of Rockford has a bonded indebtedness for \$448,000.00 on which it is paying interest at the rate of 4 per cent.

Suppose that the city wishes to build a new bridge for which it needs the sum of \$100,000.00. To raise this sum immediately through taxation is impossible, so therefore another means of obtaining the desired amount is used, that of issuing bonds and selling them to the highest bidder.

A bond is a written promise in this case made by the city, that after a certain number of years (usually ten or twenty years) it agrees to pay to the holder of the promise the amount for which the promise calls for, together with the yearly interest.

At the present time the city is selling its bonds to large bond houses and disposes of them to the highest bidder.

Supposing that the firm of Smith & Co. agrees to buy the bonds from the city. They turn over to the city the sum of \$100,000.00. The city in turn gives to Smith & Co. a written promise that twenty years after date it agrees to return the \$100,000.00 with a yearly interest of 4 per cent. But suppose there are five or six firms eager to buy the bonds. To whom will the bonds be sold? To the firm who will pay the highest for the privilege of securing them. That is if Smith & Co. will not only be willing to give their \$100,000.00 over to the city, but will also give outright the sum of \$1,000.00 if the city will accept their offer instead of Brown & Co's who are only willing to give \$800.00 as a premium. Thus the highest bidder will obtain the bonds.

#### References.

**Beard:**—American City Government, Chap. V.

**Howe:**—European Cities at Work, Chap. XI, XII.

**Upson:**—Sources of municipal revenue in Illinois, Chap. I, II, III, IV, VI.

**Wilcox:**—The American City, Chap. XII, XIII.

#### Questions.

1. How much money did your city spend last year for all purposes? How much for Educational purposes alone? How much for city corporate purposes?

2. Make a study of the last financial statement of your

city and prepare a report showing (a) the amount and sources of the city's income for the fiscal year (b) the amounts and objects of the city's expenditure for the same period.

3. Do you think we are spending too much money on some departments and too little on others?

4. What is your city tax rate? Compare your municipal tax rate with that of other cities in your state having about the same population.

5. What are the principal sources of revenue in your city? Approximately how much money do we receive from this revenue source?

6. What is the bonded indebtedness of your city? In what form is it made? Is there a sinking fund?

7. What is the borrowing capacity of your city? How near is it at the present time to the debt limit?

8. How is the cost of street and sidewalk paving met in your city; by appropriating money from the city treasury or by special assessment?

## PART II.

### CHAPTER XI.

#### THE TOWN AND ITS OFFICERS.

**Introduction**—A town or township is a portion of the state six miles square. It may include a city as the town of Rockford does, or it may be composed entirely of farmers as does the town of Guilford.

Of the 102 counties in the state, eighty-five have adopted the township system. In the eighty-five counties there are 1,430 civil townships with an average area of less than 36 square miles. Most townships are distinctly rural with a population of from 1,000 to 2,000. A good many townships do however include cities, so there are a number of townships with a population of from 10,000 to 60,000. Rockford township has a population of more than 55,000.

Towns in Illinois have very limited powers. In practice the town meeting is of slight importance and in towns including large cities the town meeting is of even less importance. Inquiries as to the attendance at the annual meetings in April, 1912, brought replies from less than a

third of the towns in the state. Less than a third reported an attendance of more than fifty at the business meeting. Only thirty-nine towns reported an attendance of more than one hundred.

A town clerk, in a town of 2,500 population in the state reported an attendance of thirteen persons, which included six judges and clerks of election, one professional candidate for moderator, two town officers, one innocent bystander, marking his ballot and three plain citizens. Scarcely more than fifty in attendance at the Rockford town meeting.

If the town meeting is to be continued, steps should be taken to enlarge its powers and to secure a larger attendance and interest. The situation in Illinois towns seems to call for a reorganization of town government, imposing more definite powers on officials who can be held responsible, instead of trusting to the few who accidentally attend a town meeting.

**How Town of Rockford Is Governed**—The Town of Rockford being so large it would be impossible for all of its voting population to meet in one building and elect its officials, therefore these officials are elected by ballot at the polls on the first Tuesday of April of each year, by the qualified voters of the town. On the same day at 2 P. M. they meet in the corridors of the Court House in the so-called town meeting.

At this hour the Moderator who presides at the meeting is chosen. The election is not suspended nor the polls closed between 7 A. M. and 5 P. M. and the voting for candidates to fill the township offices proceeds while the town meeting is held.

After choosing the Moderator, they hear the reports of their officers for the past year, appropriate money to defray the necessary expenses of the township and decide on such measures as may in pursuance of law come before the meeting.

Special meetings shall be held when the supervisor, town clerk and a justice of the peace, or any two of said officers together with fifteen voters of the town file in the office of the clerk a written request showing the necessity for same.

All motions shall be decided by a majority vote of those present.

**Powers**—The electors present at the annual town meeting shall have power:

1. To regulate the use of its corporate property.
2. To direct the raising of money by taxation for:
  - (a) The construction or repairing of roads and bridges within the town.
  - (b) The carrying on of lawsuits for and against the town.
  - (c) The salaries of its officials.
3. To prevent the growth of and provide for the destruction of Canada thistles and other noxious weeds.
4. To restrain, regulate or prohibit the running at large of cattle, horses, swine, sheep, goats, etc.
5. To establish and maintain pounds for the maintaining of stray animals, and provide for pound masters for same.
6. To establish public wells and regulate the use thereof.

**Officers of the Town and Their Duties**—As stated above all officers of the town are elected at the town election by the qualified voters of the township. The terms of office vary from one to four years. The following officers are elected in Rockford township: A Supervisor, Town Clerk, Assessor, Collector, Highway Commissioners, School Trustees, Justices of the Peace, and Constables. For their services they receive a nominal compensation either by salary or by fees.

**Eligible to Office**—No person shall be eligible to any town office unless he shall be a legal voter, and have been one year a resident of the town.

**Clerk**—The town clerk shall have the custody of all records, books, and papers of the town and file all certificates or oaths and other papers in his office. It is his duty to attend all town meetings and keep a record of the proceedings of every meeting. He certifies annually to the county clerk the amount of taxes required to be raised for all town purposes.

**Assessor**—The assessor ascertains the value of all the real and personal property of the town. A statement of the property value is given over to the County Clerk who in turn ascertains the tax rate that is to be paid for the year.

**Collector**—The collector makes all tax collections as apportioned by the county clerk and turns the amount over to

the town, city, county and state according to their shares. He is required by law to furnish a bond.

**Supervisor**—The supervisor of the town receives and pays out all money for the town except that raised for the support of highways and bridges. He keeps a just and true account of the receipts and expenditures of all money and renders a report when requested. His books are open to the board of auditors. He is required to furnish a bond.

**Highway Commissioners**—In the town of Rockford there are three highway commissioners, one elected each year for a term of three years. These have a great deal of power, for they can levy taxes, expend the money for all bridges and roads in the town.

**School Trustees**—There are three school trustees in the town of Rockford, whose duties it is to control all the school property within the town outside the city of Rockford. Since the city of Rockford occupies nearly the entire area of the town their duties are very limited.

**Commissioner of Canada Thistles**—It is the duty of the commissioner of Canada thistles to see that all nuisances, such as thistles as may exist throughout the town be cut down and destroyed. He is appointed by the Board of Auditors of the town, holds his office for a term of three years and receives two dollars a day when performing his duty.

**Board of Auditors**—The supervisor, town clerk and the justice of the peace constitute the board of auditors, whose duty it is to examine and audit all accounts of the various town officers.

**Board of Health**—The supervisor, assessor and clerk constitute the board of health of the town. This board must prevent the breaking out and spread of contagious diseases and in general promote the sanitary welfare of the town.

**Park Board**—The Park Board is composed of five members, one elected every year for a term of five years. They are elected by the legal voters of the park district, which comprises exactly the same area as does the town of Rockford, although the Park Board is entirely separate and distinct from town government. This Board has complete control of all parks within the district, twenty-five in number.

They have the power of appointing all superintendents, and custodians and may levy taxes and issue bonds for general maintainance and purchasing. They receive no salary.

**Justices of Peace**—Like the police magistrate the justice of the Peace is a judge in a minor court of law. In every town there are at least two, the number increasing according to population. In the town of Rockford, there are five who hold court sessions in their offices.

The five Justices of the Peace are elected by the qualified voters of the town for a period of four years.

They receive no regular salary, but depend for their compensation upon fees entirely. They receive 50 cents for an execution. Their jurisdiction is as follows:

1. In Civil Actions. They can decide cases where the amount in dispute does not exceed \$200.00.

2. In Criminal Actions. (a) They can decide cases where the fine does not exceed \$200.00.

(b) They can examine cases where the punishment is greater than just specified, and if he sees fit, send the accused to a higher court for trial or dismiss the case entirely as the facts seem to warrant.

(c) He can make offending or troublesome people give bonds to keep the peace. He can compel an habitual drunkard to furnish a bond with the understanding that if he gets intoxicated again the person who furnished the bond must pay to the town the amount specified.

In general it may be said that nearly all minor criminal actions are decided by the Police Magistrate, while the civil cases are tried by the Justices of the Peace.

**Constables**—A Constable is an executive officer for the justice court. He sees that all the commands of the justice are carried out, serves all processes, such as subpoenas, summons, etc. Like any police officer he can make arrests.

In Rockford township there are five constables, one for each justice court, elected by the people for a period of four years. Their compensation is by fees.

## References.

**Fairlie**:—Local Government in Towns, Counties and Villages, Chapter VIII, IX.

**Willoughby**:—Rights and Duties of American Citizenship, pp. 260 to 265.

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Forman:—The American Republic, Chap. XXIII, XXIV.

Dunn:—The Community and the Citizen, Chap. XXI.

Magazines:—Description of a Town Meeting, Outlook, Vol. 32, pp 561-565.

New England Town Meeting of Today, Outlook, Vol. 75, pp. 405-409.

Town Meetings for Cities, Nation, Vol. 32, pp. 434.

### Questions.

1. Make a study of the town you live in with a map, as to its location, size and shape. Compare it with other towns in the same county. When was it founded?
2. Who are the chief officers of your town? For what terms are they elected? How are they paid? What general duties does each have? Is the town board a legislative or an executive body?
3. How often are town meetings held in your town, and for what purpose are they held?
4. How many justices of the peace and constables are there in your town? Give their names. What cases are tried before the justices of peace?
5. What is the population of your town? How does it compare in population with other towns in the county?
6. What are the chief powers of the town government? Would you consider them important?
7. How large was the attendance at your last town meeting? Is there much interest taken in your town government?

## PART III.

### CHAPTER XII.

#### THE COUNTY.

**General Characteristics.**—The County is the largest civil division of the state, organized for judicial and political purposes as well as for the performance of local administrative functions. Counties in all cases are created by the sovereign power of the state and may be established without the consent of the inhabitants. In area the counties show great differences, ranging from Bristol County in Rhode Island, covering 25 square miles to Choteau County in Montana which has an area of over 16,000 square miles, being considered larger than the combined area of several of our smaller states. The population of the counties also vary widely. Several counties in Texas in 1910 had less than 400 inhabitants, while New York County had over 2,750,000. There are now about 3,000 counties in all the states, the number in each state ranging from three in Delaware and five in Rhode Island to 244 in Texas. There are 102 counties in the State of Illinois, ranging from counties of less than 200 square miles and 7,000 population to counties of over 1,000 square miles and more than 100,000 population. There are twenty-nine counties with an area of less than 400 square miles, the constitutional limit for new counties; and there are half a dozen with an area of more than 1,000 square miles. Fifty counties have less than 25,000 population, and seventeen counties have more than 50,000 population. The population of a large number of counties however is predominantly rural rather than urban in character and where there is a large city in the county most of the affairs of that portion of the county lying within the city limits are managed by the city government. The population of Winnebago County in 1910 was 63,153, while it covers an area of about 520 square miles.

**Counties Classified.**—Counties in Illinois are classified in the following manner:

- (1) Counties containing a population of not exceeding 25,000. Fifty-two counties are found in this class.
- (2) Counties containing a population over 25,000 and



not exceeding 100,000. Forty-nine counties are contained in this class.

(3) Counties containing a population exceeding 100,000. Cook County shall belong to and be known as a county of the third class.

**How Winnebago County Is Governed**—Winnebago County is governed by a Board of Supervisors consisting of one Supervisor from each of the sixteen townships besides seventeen assistants from the town of Rockford, owing to its great population, making a board of thirty-three members.

The Board holds four regular meetings a year in the County Court House. A majority constitutes a quorum. Special meetings may be held when requested by one-third of its members. The Board chooses a chairman at the first meeting of every year. Supervisors hold their office for a term of two years.

Their powers are as follows:

(1) To take and have the care and custody of all the real and personal property held by the county.

(2) To manage the county funds and county business.

(3) To examine and settle all accounts against the County and all accounts concerning the receipts and expenditures of the county.

(4) To erect and maintain suitable buildings for a county poorhouse, jail, tuberculosis sanitarium, etc.

(5) To provide a courthouse and offices for all county officials.

(6) To cause to be annually levied and collected taxes for county purposes.

**Officers of the County**—The officers of Winnebago County are elected on the Tuesday following the first Monday in November for a term of four years. They receive a fixed salary taken from the fees collected from their office. A Bond is required in every office.

**County Clerk**—The County Clerk is clerk of the County Court and Board of Supervisors. As clerk of the court he must attend all sessions and keep a record of all proceedings and file them for future references. He appoints a few assistants, called deputies, who aid him in his work.

As Clerk of the Board he is required to attend all meetings and keep a journal of its proceedings. He is custodian of the County Seal which he must affix to all resolutions of

the Board before they become official. All orders of the treasury must be signed by him.

Marriage and hunting licenses are issued in his office. He determines the tax rate and extends the taxes of the county.

The general method of determining the tax rate and the amount of taxes a man must pay is as follows:

Every two years the state legislature meets and passes an appropriation bill, which is to meet all the current expenses of the state. This amount is divided by the assessed valuation of the property of the state which has been ascertained by the State Board of Equalization. The state tax rate thus determined is sent down to all county clerks to be levied on the property owners in proportion to the amount of property owned. But the county also must have money to carry on its government so the Board of Supervisors, at their annual meeting, appropriate a sum of money for their own use in defraying current expenses. This sum the county clerk divides by the assessed valuation of the property in the county and each owner pays a sum in proportion to the amount of property he owns.

In like manner the town meeting, the city council, the school board, the town park commissioners, commissioners of highways, etc., ascertain the amount necessary for the coming year; and in like manner their respective tax rates are determined by the county clerk. Then all these taxes are added together and levied on the real and personal property of the county. The taxes are collected by the town collector and turned over to the city, town, county and state, according to their respective shares.

**Treasurer**—It is the duty of the treasurer to receive and safely deposit all funds of the county. He can pay out only upon command of the Board of Supervisors. Records of all money spent, including to whom and when paid, are carefully kept in his office. They are examined quarterly by the Board and are open to anyone's inspection at all times.

The treasurer is ex-officio Supervisor of assessments as well as ex-officio county collector. After the town assessors have made their assessments upon the town property a list of these assessments is turned over to the treasurer, who examines and supervises them. The treasurer holds his office for a term of four years and is not eligible for reelection. He generally employs one deputy and from two to six assistants.

**Sheriff**—The Sheriff of the county has four main duties, for the carrying out of which he has the power of appointing deputies who have practically the same power as he and for whose acts he is held directly responsible.

It is his duty in the first place to serve and execute within his county all court writs, warrants, subpoenas, process orders and decrees of every description that may be legally directed and delivered to him.

In the second place he shall be the conservator of the peace in his county and shall keep the same, suppress riots, fighting, breaches of the peace and prevent crime. He may arrest offenders on view and cause them to be brought before the proper magistrate for trial or examination.

Thirdly the Sheriff shall in person or by deputy attend all court sessions and obey the lawful orders and directions of the court.

In the fourth place he shall have the custody and care of the courthouse and county jail except as otherwise provided. His home is in the county jail so he can more easily supervise and control the prisoners.

**Coroner**—The Coroner shall be the conservator of the peace in the county and in the performance of his duties as such he has the same powers as the sheriff. Whenever papers are to be served in which the sheriff or his deputies are a party thereto, or are of kin or partial to or prejudiced against, the summons or process may be directed to the coroner who shall perform all the duties relative to it and to the suit in like manner as if he were a sheriff. When the office of the sheriff is vacant the coroner of the county shall perform the duties required by law to be performed by the sheriff and shall have the same powers as if he were the sheriff. He also has the power of arresting the sheriff.

His chief duty, however, is that of holding inquests. The coroner whenever he knows of or is informed that a dead body is found within his county, supposed to have come to his or her death by violence, casualty or any undue means, he shall repair to the place where the dead body is and take charge of same, summon a jury of six good and lawful men of the neighborhood of where the body is found and inquire into the cause and manner of the death. No body found mysteriously can be removed without first obtaining permission of the coroner. He also has charge of burying unidentified bodies and disposes of the property or valuables found on the person.

**State's Attorney**—The State's Attorney is a lawyer and is so called because he represents the people of the state through the county.

His duties are as follows:

To commence and prosecute all cases where the people of the county are concerned.

To defend the county in all cases.

To prosecute all cases brought by the officers of the county.

To give advice to county officers on questions of law.

**Superintendent of Schools**—The Superintendent of Schools has a general supervision over all the schools in the county. It is her duty to visit all the schools under her jurisdiction at least once every year, noting the methods of instruction, discipline and the grade of work done and make all necessary improvements and suggestions. She must examine all teachers before permitting them to teach and grant certificates to those who pass examinations. For the purpose of enlightening teachers it is her duty to hold a teachers' institute at least once a year which all teachers are required to attend.

The County Superintendent shall have power to renew teachers' certificates, to require the trustees of each township in the county to make a report, to direct the township treasurer in his collection of school funds, to revoke the certificate of any teacher for immorality, incompetency or other just cause and to recommend to the state needed measures and legislation.

**Surveyor**—It is the duty of the Surveyor to make all necessary surveys in and for the county.

**County Judge**—The County Judge is judge of the county court and in all counties of the state, such as Winnebago County, having a population not exceeding 70,000 people he is also judge of the Probate Court and therefore judge of the Juvenile Court.

As judge of the County Court he has the following jurisdiction:

In civil actions he has jurisdiction over all cases where the amount in dispute does not exceed \$1,000; and in all criminal cases, except where the penalty involves a term in the penitentiary or death.

As judge of the Probate Court he has jurisdiction over the wills of deceased people and where no will has been

made takes charge of the division of the property and sees to it that the property is satisfactorily divided among the rightful heirs. Before any division is made, however, he must see that all debts against the estate are paid.

The process of probating a will is as follows:

1. Filing of the Will. The will left by the deceased must be filed in the County Court for examination.
2. Filing of a Petition by the Executor. The Executor, the man named in the will, or by the court, to have charge of the property left, files a petition with the County Judge asking him to admit the will to probate and stating the names of the heirs, legatees and devisees.
3. Day set for Proof of Will. The Judge then sets a day on which people may come to court and prove or disprove the validity of the will.
4. Notice to Persons interested. The Judge then sends a copy of the petition to all heirs, devisees and legatees and where the presence of some are unknown makes publication of it in the newspapers.
5. Proof of the Will. It now is necessary to prove that the will presented was the last one made by the deceased and that he was in sound mind when he made it and that he was under no undue influence or restraint. At least two witnesses who saw the testator sign the will must testify to that fact in court.
6. Admission to Record. With the proof of the will established it is admitted to record. Notice is given to all creditors and all debts are paid. The property is then divided among the heirs according to provision made in the will.

As judge of the Juvenile Court he has jurisdiction over cases pertaining to boys under seventeen and girls under eighteen years of age. He has control over dependent or orphaned children, that is those who have no means of support and also over juvenile delinquents, those who are criminally inclined or have committed some crime. He may appoint a probation officer over them and if the crime is of a very serious nature he may send him or her to the state reformatory.

Aside from his duties as judge, he has the power of appointing the members of the Board of Review, the election commissioners and perform marriages.

**County Superintendent of Highways**—The County Superintendent of Highways is appointed by the State

Highway Commission upon recommendation of the County Board for a term of office of six years.

His duties and powers shall be the following:

Prepare plans, specifications and estimates for all bridges to be built by the county. These plans must, however, be submitted for adoption to the State Highway Commission.

Act for the county in all matters relating to the supervision, construction and maintenance of any road or bridge constructed at the expense of the county or at the joint expense of county and town.

Visit and inspect the highways and bridges in each town of the county at least once a year and advise and direct the highway commissioners of the towns as to best methods of repair and maintenance.

Keep a record of all contracts or purchases of materials, machinery or apparatus to be used in road construction in excess of \$200.00.

**County Physician**—The County Physician is appointed by the Board of Supervisors for a term of one year and his duties are the following:

On the breaking out of dangerously communicable diseases in the county he enforces all rules and regulations tending to check the spread of the disease and has the power to quarantine any house or places where infected persons may be kept, and cause same to be disinfected.

To provide for vaccinations and disinfection free of charge.

To require reports of dangerously communicable diseases and in general take all steps necessary to promote the health and suppression of disease and sickness in the county.

**Circuit Clerk**—The Circuit Clerk is clerk of the circuit court and as such must attend all meetings of this court and keep a full record of the proceedings. He keeps on file in his office all court writs issued in every case tried before the circuit court.

He also has charge of the naturalization affairs of the county. Naturalization is the process by which a foreigner becomes a citizen of the United States. It is as follows:

The method of naturalization prescribed by Congress requires a minimum residence in this country of five years, must be persons of good moral character, attached to the Constitution and well disposed to the good order and happiness of same. They must also be able to write their own language and be able to read and speak English.

Two steps are necessary in the procedure of naturalization: First, the applicant must go before a federal court or a court of record in some state and make oath that he is at least eighteen years of age and that it is his intention to become a citizen of the United States. At the same time he must renounce all allegiance to the foreign state of which he is a citizen or subject and furnish the court with a variety of information including his name, age, occupation, personal description, place of birth, last foreign residence and allegiance, date of arrival in the United States and present address. The declaration is then recorded and certified.

Not less than two nor later than seven years from the declaration of intention, the applicant may petition the court for a certificate of naturalization. He sets forth the fact that he has been a citizen of the United States at least five years continuously and the state at least one year and is not opposed to organized government, not a believer in Polygamy and renounces forever all allegiance to the foreign country of which he has been a citizen. Two witnesses must testify to his term of residence before he is finally admitted to citizenship. A fee of five dollars is charged for filing the petition and issuing the final certificate.

The naturalization of a husband makes the wife and minor children citizens so they do not have to go through the same process of taking out papers.

**Disqualifications**—Only white persons and persons of African nativity are capable of becoming naturalized under our laws, those belonging to the Mongolian or other races, such as Chinese, Japanese, Burmese and East Indians cannot become naturalized. Polygamists, anarchists and certain classes of criminals are also barred from citizenship.

**Other Methods of Acquiring Citizenship**—There are also other ways of acquiring citizenship. Thus a foreign woman becomes a citizen by marriage to an American citizen; inhabitants of foreign territory annexed to the United States become citizens; an honorably discharged alien from the United States army may be admitted to citizenship after a residence of one year and the declaration of intention is not required of aliens who have served five years in the navy.

**How Citizenship May be Lost**—As citizenship may be acquired in various ways so it may be lost by different acts.

Thus an American woman loses her citizenship by marriage to an alien. Acceptance of a commission in the service of a foreign country, if it involves the taking of an

oath of allegiance to a foreign government, operates to divest one of his American citizenship. The most common mode by which citizenship is lost, however, is through voluntary removal from the country and naturalization in a foreign state. Mere removal from the United States and the establishment of a residence in a foreign country for the purpose of business, education or pleasure so long as he preserves his intention of returning to the United States will not be considered as having abandoned his American nationality.

**County Recorder**—The Recorder of the County keeps a record of all deeds and mortgages of the property within the county, any person wishing to be certain about the ownership of any property may go to the Recorder and get the exact information.

**Board of Review**—This Board is appointed by the County Judge, consists of three members, the chairman of the Board of Supervisors and two citizens, one from each of the two leading political parties in the county. It is their duty to revise assessments made by the town assessors and if a man feels that his property has been assessed too much he may come before the Board and present his case, telling why he believes his property is assessed too high. It then rests with the Board to lower, raise or permit the assessment to stand as it is.

**Circuit Judge and Circuit Court**—The State of Illinois is divided into eighteen circuits, Cook County constituting a circuit by itself, making the eighteenth. Each other circuit is composed of from three to seven counties. Winnebago and three other counties, Boone, McHenry and Lake constitute the Seventeenth circuit. Circuit Judges in all districts, except Cook County, are elected on the first Monday in June for a term of six years. The people in this circuit elect three judges who hold court sessions in each county, at which any one of the three judges may preside.

Circuit Court in Winnebago County is convened on the first Monday in October, the second Monday in January and April.

The jurisdiction of this court is over cases appealed from the county courts, and for any cases arising between citizens living in different counties and is unlimited.

**Trial in Civil Cases**—The cases brought before the courts for trial are of two general classes: (1) Civil actions; (2)

Criminal actions. A civil action is a suit brought for the enforcement of a private right or to secure compensation for damages on account of injuries sustained through the violation of one's rights. Thus a creditor sues a debtor for refusing to pay a debt; an owner sues to recover property which has been wrongfully taken from him; a householder brings an action against his neighbor for trespassing upon his premises; and so on. The person who brings the action is called the plaintiff and the one against whom it is brought is the defendant.

**Proceedings of a Civil Case**—A Civil suit is usually started by the filing of a complaint containing a statement of the facts, with the court, which then issues a summons directing the sheriff or constable to notify the defendant to appear in court. If the plaintiff has reason to believe that the defendant is preparing to dispose of his property with the intention of defrauding him he may ask the court to issue a writ of attachment. (Def. A writ of attachment is a paper authorizing the sheriff to take possession of the property.) Or if the defendant is in wrongful possession of the property belonging to the plaintiff the latter may ask the court to issue a writ of replevin. (Def. A writ of replevin authorizes the officers to seize the property and turn it over to the plaintiff.) The defendant now denies the charges, or admits their truth and denies the right of action or maintains that the court has no jurisdiction.

**The Trial**—The case is now ready for trial. If it is a suit in equity it is tried by the judge without a jury. If it is a suit at law, either party may demand a jury, but if both parties agree to waive a jury, the case is tried by the judge alone. If, however, a jury trial is preferred a list of qualified persons is prepared and from this list, twelve men or six, as the parties may agree upon, are selected to try the case. After the jury is sworn in the attorney for the plaintiff generally makes a statement of the facts upon which he rests his case. He then calls his witnesses who testify to their knowledge of the facts as they are questioned by the counsel. When the attorney for the plaintiff has completed the examination of each witness the attorney for the defendant is allowed to cross-examine them. After the plaintiff has introduced all his evidence the defendant's case is presented in a like manner, the counsel for the plaintiff this time conducting the cross-examination. With the evidence all taken, it remains for each attorney to address the jury

and endeavor to convince it that the evidence sustains the facts, which he has undertaken to prove. The burden of proof in civil actions is usually on the plaintiff and if he has failed to make out a case the judge may dismiss the suit without giving it to the jury. If the judge feels, however, that the evidence is such as to admit of but one conclusion he may give the case to the jury directing them to return a verdict. After receiving its instructions from the judge, the jury retires to a private room and deliberates in secret. If they cannot agree upon a verdict in a reasonable time they are discharged and a new trial must be gone through with again.

**Judgment; Execution**—After the return of the verdict the judge enters judgment in accordance therewith. In most civil cases the judgment is for the plaintiff will require the defendant to pay him a certain sum of money as a compensation for the damages he has sustained. If the suit is one in equity the decree is a command to the defendant to do a specific thing, as for example, to carry out a contract, or to pay a debt, or refrain from doing something such as maintaining a nuisance.

**Appeal**—After the verdict has been rendered the losing party may appeal the case to a higher court on the ground that errors were committed by the judge, or because the verdict was contrary to the law and the evidence.

**Proceedings of a Criminal Case**—Criminal actions, unlike civil actions are brought, not by the injured party, but by the state whose peace and dignity have been violated by the acts complained of. The prosecuting attorney for the state conducts all preliminary investigations, presents all cases to the Grand jury and tries them before the Petit jury.

**The Arrest**—Usually the first step in the trial of a person charged with crime is to cause his arrest. This is done by appearing before a magistrate and registering a complaint. If the magistrate is satisfied as to the truth of the complaint he issues a warrant. (Def. A warrant is a writ issued by a judicial officer which gives the sheriff the power of arresting a man.) If, however, the accused has been seen committing the crime, or if the officer has good reasons to believe that the person charged is the guilty one he can arrest him on mere suspicion.

**Commitment**—When arrested the accused is brought

before a justice of the peace or police magistrate and examined. If the offense is a minor one it can be tried by the justice of the peace or the magistrate. If it is a more serious crime the justice can hold the offender to await the action of the grand jury.

**Bail**—The offender's trial may be set two or three months off and not wanting to stay in jail waiting for trial he may be released upon the judge's consent by furnishing bail. (Def. A Bail Bond is a written promise furnished by some responsible person, agreeing to pay a certain sum of money if the accused does not appear in court on the day set for trial.)

**The Grand Jury**—At least twenty days before the sitting of the court the Board of Supervisors select twenty-three men of sound judgment between the ages of 21 and 65 to act as Grand Jurors. These men are summoned to the court house through a writ of Venire. (Def. A Venire is a writ issued by the Clerk at the command of the Board of Supervisors given over to the sheriff commanding him to summon the persons named therein to appear as jurors.)

**Indictment**—After the Grand Jury has been empaneled they retire to a room and secretly conduct their investigation. If after examining the witnesses the jury believes there is enough evidence to warrant a trial they return an indictment. (Def. An indictment is a written accusation presented by at least twelve of the grand jurors charging a person with a crime.)

**Arraignment**—After the accused has been indicted the next step is to bring him before the court and arraign him. If he pleads guilty no further action is taken and his sentence is imposed by the judge. If he pleads not guilty the trial proceeds.

**Selection of the Jury**—At the annual meeting in September the Board of Supervisors makes out a jury list of at least one-tenth of the voters in the county. At least twenty days before the first trial in any court 100 names are taken from this list and placed in a large tin box. The clerk is blindfolded and in the presence of the judge draws from the box thirty-six names. These men are summoned through the venire to appear in court on a fixed day. From these thirty-six men the opposing attorneys agree upon twelve men to act as jurors. The petit jury thus chosen the trial commences.

**The Trial**—After the jury has been impaneled the opposing attorneys in their turn make an opening statement reciting the facts of the case and stating the evidence upon which they expect to establish their proofs. Witnesses are now summoned through a writ of subpoena for the purpose of telling what they know of the case. (Def. Subpoena is a writ issued by a judicial officer given over to the sheriff which commands him to summon the person named therein to appear in court as a witness.) The procedure of examining and cross-examining the witnesses is substantially the same as in the trial of civil cases. One of the rules of procedure is that the jury must be satisfied beyond a reasonable doubt from the evidence produced, that the accused is guilty. All witnesses must be competent to testify, sane and not intoxicated and no hearsay evidence or mere opinions are considered.

**Verdict; Sentence**—After the witnesses have been examined the attorneys in their turn stand up before the jury and make their final pleas. It now rests with the judge to give the jury instructions, setting forth the law which applies to this case. The jury then retires to a room where they are kept in close confinement until they reach a unanimous verdict. If they all agree they return a verdict of guilty or not guilty. (Def. A verdict is a decision of the jury.) If they cannot reach an agreement they notify the judge, who, if satisfied that there is no longer any possibility of any agreement, discharges them and the accused may be tried before another jury.

If found not guilty the accused is acquitted and set free. If guilty he is convicted and sentenced by the judge. (Def. Sentence is the punishment given a criminal.) The usual punishment is fine, imprisonment in the county jail or state penitentiary, or death inflicted by hanging or electrocution.)

At any time in these proceedings the accused may demand a writ of Habeas Corpus. (Def. Habeas Corpus is a writ which gives a prisoner the right of coming before a judge to be examined to learn if he is legally detained in jail.)

#### References.

**Fairlie:** Local Government in Counties, Towns and Villages, Chap. IV-XVI.

**Guiteau:** Government and Politics in the United States, Chap. III.

Garner: Government in the United States, Chap. I, pp. 14-24; Supplement, pp. 35-39.

Forman: The American Republic, Chap. XXII.

James & Sanford: Government in State and Nation, Chap. I, VII.

Ashley: American Government, Chap IV.

Annals of the American Academy. County Government.

#### Questions.

1. In what county do you live? What is its area? Its population by the last census? What is the county seat? Is it the largest city in the county? Is it centrally located?

2. How many counties are there in the state, Name the five counties having the largest population at the last census? Name the five counties that have the largest area?

3. Visit the court house and other county buildings, note the uses to which they are put, and prepare a class report upon any facts thus learned.

4. How may new counties be created in your state? How may old counties be divided? How are county seats located?

5. How many members are there on your county board? Are they called commissioners or supervisors? How are they elected? What are their powers?

6. Give the method of choosing, term, and duties of each of the following county officers: Clerk, Treasurer, Sheriff, Coroner, State's Attorney, Superintendent of Schools, and County Judge.

7. Who is the county judge? What cases does he try? Has he probate powers?

8. Who is the County Clerk, Sheriff, Coroner, State's Attorney, Superintendent of Schools, Treasurer?

9. How may an alien become naturalized? What classes are denied citizenship?

10. Give a brief outline of the Circuit Court system of the state.

MSH 20350



**END OF  
TITLE**